NTIAL.

Collection No. 73241-2

Year 1941 —1942.

Cb. 202-41 - 1+2

l Revenue

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l Branch.

PRESERVED

UBJECT .... Action taken against the conduct of Dr M. A. Sampathkumaran, Professor of Botany, Central College, Bangalore in connection with the Conduct of the Botany (Hons.) Examination - 1941

by hand 7/12/51

PREVIOUS REFERENCES.

LATER REFERENCES.

Mis. 75-41-(1)

Serial No.

The Vice Chancellor in his D. O. le
dated 12th Oct has requested the Govern
to passover a granting leave to Mr
5 Sampath Kumaran for one hou
in the first instance, so that the S
of the Botany Department maybe
examined with their minds at ease
He also states that the majority of
the members did not desire that the
University Council should pass a
formal resolution and a resolution
moved by Mr. N. Balakrishnaiah
was not passed. But the V.C. says
in his letter that the majority who
voted against desired orally that
the Government should be informed that
Mr. Sampath Kumaran should take
leave. This is rather ambiguous
Nothing prevented them from
passing a resolution to this effect.

The history of the case as it concern
es follows briefly:-

The Vice Chancellor brought to
the notice of the members of the
University Council at the time of passing
the results of the University Exams;
That the Chairman of the Board of
Studies of Botany Mr. Sampath Kumar
happens to be the father of our honour
Candidate, who gets a first Class

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and threw a doubt on the fairness of examiners. So the Univ. Council by a majority resolved to hold a re-examination for this boy alone.

After he had been a month when the question of the constitution of a new Board of Examiners came up before the Council, Mr. McAlpine told the members of the Council that he was informed by some persons that at the time of the practical examination of the Botany honours this particular candidate passed of certain library books as his own & which belongs to another student. The University Council resolved ~~to hold~~ that an enquiry be held by the V.C. on the matter reported to Government. There was a reference upon to giant bean to Mr. Sawyath Kumaran but this was not a question.

The Vice Chancellor by himself has conducted a detailed enquiry. At first the V.C. wanted to associate Mr. Mahadevan

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a few others with enquiry. But Dr. Sampath Kumaran protested that the members ~~are~~ have always kept up their hands. Say how the V.C himself conducted the enquiry kept the report ready and placed before the syndicate on 9th August 94. In course of the enquiry he has examined Dr Sampath Kumaran Seshagiriah, Raja Swamy and S.K. Narasimhamoorthy and a few others and most of them have been examined in the absence of Dr. Sampath Kumaran.

But on 9th following according to V.C's letter, Mr. S.K. Narasimhamoorthy, who has already been examined before, went to the Vice Chancellor's house and made a confession, implicating himself a few of his colleagues and all the candidates that sat for the honours examination (Mar Confessional statement). But this confession does not implicate Dr. Sampath Kumaran, who according to the questions put was unaware of this.

I cannot say what ~~could~~ whatever role placed in the confession

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of Mr. Varadachariar worthy, who has not stated anything regarding this. His previous statement ~~has not stated any thing about this~~. Besides he does not in any way implicate the professor. V.C.

Besides the has to examine a few witnesses, which he can do during the absence of Dr Sampath Kumaran, as he has been doing till now. So I do not agree that the continuance of Dr Sampath Kumaran will in any way affect the enquiry and I am not willing that Dr Sampath Kumaran should be asked to take leave and thus penalize him or the new statement of Mr Varadachariar

The enquiry is practically over as the V.C. has practically examined all persons. The ~~last~~ witness ought to ~~come~~ submit his report (if necessary with the opinion of the University Counsel) along with entire records for the consideration of the Government.

JCL 14.8.41

Dewan.

Dew

JCL 14.8.41

Nee 17/8/41

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Draft D. O. to the V. C. is enclosed.

Recd 27/8

GD 27/8

I have obtained instructions from the Minister that the discretion proposed to be given to V. C to pay his respects before the Ulungu can or not, may be omitted — Issue as revised today.

27/8/41

Sno

No. 7443 dated 27.8.41

The Vice-Chancellor,

States that there are only a few witnesses to be examined that there is no necessity for Dr. Sampath Kumaran to take leave.

Submitted for orders if the V.C. may be reminded in the matter.

GD 6/11

Not necessary. The report has been received & is being studied —

6/11/41

NOTE—Contn. Sheet.

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D.O Letter No P 485 dated 30th Sept 1941 from the Vice-chancellor to the Minister for Education forwarding a set of papers relating to the enquiry held by him into the conduct of the Botany (Hons) Examination of 1941 & the resolution of the Syndicate Council thereon.

The results of the Botany (Hons) Examination of 1941 have been announced & published. In the course of an enquiry held subsequently, it was revealed that 4 out of the 5 candidates, had obtained the help of Mr Narasimhamurthy, who had been detailed to do the preparation work for the practical examination. Mr Narasimhamurthy has admitted this in his confession statement before the V.C. The Syndicate Council have now resolved that a practical examination be held for all the candidates whose results have been already announced & published. These candidates have been asked not to attend the Convocation to be held tomorrow for conferring degrees on the successful candidates.

The point for consideration is

NOTE—Contn. Sheet.

Whether the University could take such action, once the results have been announced & published. According to the statutes - vide clauses XX & XXVI on page 27 of the University calendar - the University Council has the power to declare the results of examinations & make recommendations for degrees & to take cognisance of any misconduct by any student of the University or by any candidate for any University examination or for a degree brought to the notice of the Council by the head of the University institution concerned or by a member of any one of the University authorities or by the Registrar or by the Chairman of a Board of Examiners or by a Chief Superintendent at any centre of examination & to punish such misconduct at any time by expulsion from the University or the University institutions concerned or by exclusion from any University examination or from any convocation for the purpose of conferring degrees either permanently or for a specified period or by cancelling the University examination or by deprivation of any University scholarship or endowment

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held of the person guilty of such misconduct. As far as of the five students are held to have received help from the Lecturer in charge of preparation work for the practical examination, it amounts to misconduct on their part & the University Council seem to have power, according to the provisions of the statutes quoted above, to exclude them from the Convocation. Asking them to appear for a fresh examination in practical, is a consequential punishment for their misconduct. The V.C. states that though fair of the candidates viz Mr Gopalakrishna is stated to have been not given any help, the University Council decided that he also should be examined since the atmosphere of the examination as a whole had been affected in any case. I cannot say whether this is fair to the candidate, however, as the conduct of the examination declaration of results &c are vested in the University & as the University Council has arrived at a decision in the matter Govt need not interfere at this stage.

WD 03967—GPB—5,000—30-8-41

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C.B.

File No. of 194 . General and Revenue Secretariat

For favour of remarks as to whether the University may exclude any one whose result has been announced & published, from the Convocation held for the purpose of conferring degrees & whether they could wish such candidate to sit for the examination or any portion of it again, if any misconduct on his part comes to notice, even though he has been declared to have passed & the result published.

Law Dy
with Compts

30/10/41

Under S. 17 (xx) of the Statutes, the Council has the power to declare the results of the examinations and make recommendations for degrees etc. S. 17 (xxiv) empowers the Council to take cognizance of any misconduct by any student of the University or by any candidate for any university examination or for any degree etc. - - - - - - - and to punish such misconduct at any time by expulsion from the University - - - - or by expulsion from any University exn or from any convocation for the purpose

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of conferring degrees etc. This clause specifically empowers the Council to exclude a candidate for the degree from the Convocation. It may be noticed that the Council has power under S. 73 even to cancel any degree already conferred on a person if he is convicted of an offence involving moral ~~ter~~ delinquency. Such being the powers of the Council, the mere fact that the results of the examination have been declared and published in the Gazette does not deprive the Council of their power of expulsion. Moreover, the declaration of the results of an examination will not automatically confer any degree on a candidate, ~~&~~ and further steps are necessary to complete the process viz the recommendation by the Council for a degree and conferring of the same in the Convocation. When power is given to the Council to ~~cancel~~ cancel the degree itself in certain circumstance it can surely prevent the conferring of the degrees instead of waiting for the degree being conferred and thereafter taking steps for cancellation ~~acting~~. Since the misconduct has been discovered before the Convocation, such a candidate

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may be punished by being excluded from ~~[illegible]~~ the convocation to be held for the purpose of conferring degrees under cl 26 of S. 17 of the Statutes.

Gen Secy
MC

Hm
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3/10/41

Edn Minister

[illegible]
30/10/41

[illegible]
10.10.41

Amr Raj
[illegible]
10/10

OFFICE OF THE MINISTER FOR EDUCATION
Date 10-10-41
No. 2192

Report regarding the malpractice in the Conduct of the Botany (Hons) Exam of 1941

General and Revenue Secretariat | File No. of 194 . [App. ~~F. III-2~~

Serial No.

1) When the results of the BSc Hons Exam were announced in April 1941, the result of one ~~Mr~~ M. A. Alwar ~~Candidate~~ (Reg no 163) was withheld as some malpractice was suspected in the Conduct of the Examination. ~~This Candidate was one Mr. M. A. Alwar~~. He is the son of Dr M. A. Sampathkumaran Professor of Botany and had taken up Botany Hons. As he was an average student, having passed Intermediate Exam only in III Class and as he had got I Class marks, there was room for suspicion.

2) After withholding the results, the University Council decided that an enquiry should be instituted as regards the Conduct of the Botany Hons Examn to find out if there was any irregularity and if any malpractice had taken place at any time.

3) The Vice Chancellor has conducted an elaborate enquiry, examined a number of persons, students as well as the members of the staff and submitted the records of enquiry together with the findings of the University Council. The detailed report of the VC is flagged A. and is for perusal. This was considered by the University Council in their Special meeting at Mysore on 27. 9. 1941.

NOTE—Contn. Sheet.

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To facilitate their decision, specific issues (ten in number) have been framed ~~and had~~ as in page 3. and the decision of the Council taken —

Flag. B

5. Regarding the candidate Mr M.A. Alwar, the Council have held that he presented another students (one Bhaktavatsalam naidu) library records as his own. and that he for illicit help from one Mr M.A. Sampatkumaran in the practical Examn.

6. As regards library records, the candidate admits that he presented the Library notes of a friend of his (B.V. naidu) along with four books of his own to Mr K.V. Seshagiriah Ag. Asst Prof of Botany. From the evidence of Mr Seshagiriah and Mr Ranggswamy, it is clear that these note Books were covered by wrappers on which Mr Alwar's name was written and the wrappers covered up the cover of the Book on which the name of the actual owner ~~of~~ was written. When Mr Seshagiriah sent for Mr Alwar and asked him whether the books were his own, he is stated to have said that they were his and when shown the name of Mr naidu on the Books, given some explanations which were neither satisfactory or convincing.

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7. Thereupon Mr. Seshagiriah gave zero marks for the library note to which Mr. Rangaswamy also agreed. When the marks list was submitted to the Professor Both of them stated that 15 marks were allotted for library note out of 100 earmarked for Class Records. Mr. K. V. S says that on receipt of this list, the professor said "why have you given any son zero? He had shown the books to me" whereas the version of Mr. Rangaswamy about the professor's reaction is slightly different. The version of the professor himself is quite different (vide page 29 of the evidence). He says that he told Mr. Seshagiriah that it was not fair nor to give any marks to the said Candidate, that for the few books produced by him he may be given some marks and they agreed to reduce the maximum from 15 to 10 and give him 2 or 3 marks. The no. of marks actually given is not definitely stated and in the list of marks sent to the College and the University, the marks given for library note are not separately entered. Only the total marks for class Records out of 100 is given as 58. It is reported that even the list submitted by Messrs Seshagiriah & Rangaswamy is not forthcoming.

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In connection with this incident, one interesting at the same time surprising feature is disclosed from the evidence of Dr. Sampathkumaran & Mr. Alwar. The latter says that he had written only 4 note Books and when questioned by the professor as to why only so few books were written he explained that others had merely copied from text Books or notes of others and therefore much importance ought not to be attached to the library notes and that the professor asked ~~to~~ him to take his as well as the other books to Mr. Seshagiriah to explain their aspect to ~~Mr. Seshagiriah~~ him. This means that the Candidate presented these books of another student with the knowledge and consent of the professor. Dr. Sampathkumaran also admits having instructed ~~the~~ Mr. Alwar to take his as well as the other Books to Mr. Seshagiriah. If the purpose of presenting these Books was only to show that the notes was copied from text Books as stated, it is not understood why the books of another (2nd year Hons Student) should have been selected and why the books were covered with wrappers on which Mr. Alwar wrote his own name. The books were neither presented in person to Mr. Seshagiriah, ~~and~~ nor ~~that~~ any trouble was taken to explain the position to him

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as alleged to be intended. The Candidate has ~~been~~ asked to explain why he wrote his own name on the Books of Mr. Naidu.

Flag C. (vide his evidence in Pages 92 & 93). Now he has admitted that there were covers on the books with his name when they were sent to Mr. Seshagiriah, but later maintained that he wrote his name on the Covers in the practical Hall because Mr. Seshagiriah was not there and as he wanted the books to be returned to him alone and not to Mr. Naidu or any other. The VC has ~~reported~~ stated that it is very difficult to accept this explanation which does not contribute in any way to modify the conclusion that he attempted to pass off the note of another student as his own. Further, it is not understood why Mr. Alwar ~~said~~ when asked by Mr. Seshagiriah

Flag D. told him that ~~all~~ the books were his own. Evidently this gives a lie to the explanation offered, which seems to be only an afterthought. It is surprising that the Professor also should take responsibility for the production of these Books of Mr. Naidu in this manner.

9) Two persons have spoken to regarding the help that Mr. Alwar got from his relative, one Mr. M. A. Sampath Kumaran (nephew of Dr. Sampath Kumaran Autor. I M P class) in the Practical Examination. ~~Mr.~~

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Jayarama Reddy has stated that Mr. Sampatkumaran was identifying some of the slides that had been given to the examination students for identification and was giving ~~loose~~ slips & slides to the peon by name Latcha. and that he suspected that all this was done to help Mr Alwar who had cut his finger ~~by the razor~~. This is corroborated by Mr Narasimha murthi who says that Mr Sampatkumaran remarked as follows "Everything will be all right and there will not be any trouble" & "This is nothing, this was going on during earlier examinations". Mr Seshagiriah testifies to the fact that Mr Sampatkumaran who had no particular work in the Botany Department at the examination time, was present there at the time of examination.

10) On the basis of these statements, the University Council have held that Mr Alwar for illicit help from Mr Sampatkumaran (nephew of ~~not~~ Prof Sampatkumaran) in the practical examination. As a punishment for the misconduct, the U.C have resolved that the results of Mr Alwar in the 1941 Exam be cancelled and that he be debarred from the University Exam of 1942.

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11) As regards Dr Sampathkumaran, the University council have held that he was not aware that his son was presenting some other students Books as his own and that he endeavoured to cover trace of it. Here there is a subtle line of distinction made between the act of presenting other books and the intention with which they were presented. In his own evidence, the Professor admits that he himself asked Mr Alwar to take his books and make of the other students to Mr Seshagiriah. The Candidate also says that he presented them with the knowledge of the Professor. Why the Professor should have asked Mr Alwar to do such a thing is not understandable. He could have sent for the poor professor and told him that after all library notes were copied from other books & that much weight need not be placed on them. While it cannot be definitely stated that the professor was aware that Mr Alwar presented Naidu's books with the intention of passing them off as his own, it could however be inferred that he has unnecessarily taken the responsibility for the books being so presented under a plea which is not convincing. However the University council have held that the Professor was not aware of the intention with which Mr Alwar presented the books

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which is to pass them off as his own.

12) replying the University council have held that Dr. Sampatkumaran did not maintain the record of marks for class work satisfactorily that seems to be based on the fact that no record was forthcoming to show the marks given under different sub heads i.e drawings, Herbarium specimens, slides and library notes. Only consolidated marks for the total of 100 marks allotted for class records were sent to the College and the University. Even the list of marks which Mr. K. M. Seshagiriah & Mr. Rangaswamy say that they gave to the Prof. was not forthcoming. The Prof stated that Mr. Seshagiriah only showed him the list of marks and could not say whether he took the list from him and that no register of the marks assigned to the class records was maintained in his department because it was considered unnecessary. whether such ~~register~~ record of class marks is maintained in other depts is not clear. In any case, it shows how unbusinesslike they are & what little care & attention is paid with regard to the maintenance of these records of marks.

13) Another irregularity for which Dr Sampatkumaran is held responsible is his having asked Mr S. K. Narasimha murthy to assist in the practical examination, without

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the permission of the University. In this connection, reference is invited to the detailed evidence of the Professor (Pages 138-141). He says that in previous years, official permission was taken to employ such assistants but in the years 1940 & 1941, no such permission was taken and the assistants were employed in the best interest of the examination. The Professor admits that he should have at least reported the matter to the University. In this arrangement Mr. Narasimha Murthy had to get his remuneration from amounts drawn formally by other persons. In connection with the B.Sc pass Examn, he has received such amount from messrs Krishna Iyengar & Seshagiriah. On 23.8.41, the Prof himself admits that for the Hons Examination, Mr. S.K.N. Murthy was not paid as yet. Whatever might be the necessity or justification for employing Mr. S.K.N in this manner, it seems to be a very incorrect and irregular procedure to employ a member of the University for purposes of examination as a sort of private arrangement without the approval of the University and to make him dependant on the ~~Charity~~ humour of others for his remuneration. It only goes to show with what lightheartedness these examinations are conducted, without

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due regard to the rule. The Professor admits that strictly according to the rule it may not be open to the Chairman to employ assistants without consulting the University and that he did so during 1941 as no objection was taken to the same procedure in the previous year when Mr Rangaswamy was appointed as assistant without permission.

14) The University Council are also convinced that Dr. Sampathkumaran interfered with the evidence of his subordinate before the V.C. This is rather a serious charge and if all was well with the examination, there was no reason why the Professor should have tried to influence his subordinate in giving their evidence. Mr Seshagiriah has stated that the Professor himself dictated to him what he had to say before the V.C when questioned (vide his evidence Pars 143 – 149) and that he had gone to Mr Rangaswamy & Mr S.K.N. Murthi with instructions from the Professor to remind them about their interview with the V.C and to ask them to have everything what they wanted to say written on a piece of paper. Mr Narasimha Murthi has also stated that he was asked by the Professor to prepare a set of questions and answers as regards the evidence he would have to give before the VC and that

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Para. F

Para. G

B.

the professor made certain alterations here and there (vide Mr Narasimha Murthy's evidence pages 107 & 108). He has admitted that he kept back the truth when he was first examined, on the assurance of the professor that he would protect him, it would have been better if these two witnesses were allowed to be cross examined by the professor in detail. Dr. Sampatkumaran categorically denies having discussed or talked to Mr Narasimha Murthi about the enquiry (page 143). Mr Seshagiri's evidence in this respect has been taken on 1.9.41 subsequent to the examination of the professor (which was on 31-8-41) and the latter has not been confronted about it. The University Council have resolved by 5 votes to 4 that Dr. Sampatkumaran interfered with the evidence of his subordinate. From the proceedings sent with the later letter of the Registrar dated 16.10.41, it is seen that the University Council have not come to any decision regarding the action to be taken against Dr. Sampatkumaran. All the four propositions moved are stated to have been lost. But in the VC's letter dated 30.9.41, it is stated that it was resolved that no action need be taken in the case of the professor. No reasons are given for this discrepancy. In the copy of the proceedings of 27.9.41, sent with the

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letter dated 30.9.41, 5 are stated to have voted for the proposal of Dr. B.K. Narayana Rao & 3 against whereas in the copy of the proceedings now received, the proposal is stated to have been lost 3 voting for and 5 against. The discrepancies are really serious and affect a very vital decision ~~and~~ The University may be asked to explain the same and to send up a definite recommendation in the matter. However, according to the later proceedings, it looks as though the University have not come to any decision as to the action taken against Dr. Sampathkumaran.

15) There are two other points for orders. As a result of the enquiry, the V.C. have decided to hold again the practical Examn in the case of other 5 Candidates (excluding Mr. Alwar) who had sat for Botany Hons. Examn of 1941. This decision seems to have been taken on the statement of Mr. Narasimha Murthy that he had helped all the Candidates. The nature of help given is described in his so called Confession Statement (page 59). The students have denied having received any help from Mr. Narasimha Murthy. (vide the evidence of Mr. Khaleel Ahmed and N.K.A. Iyer) By holding a re-examination the students will be put to considerable difficulty

Pg. 59.

Pages 81 & 63.

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But tear is held to be necessary in view of the fair plays by Mr Narasimha Murthy, for which but for him tear would be no occasion. The expenditure for this re examination is estimated at 400 Rs for which sanction of Govt is solicited. This is for orders.

16) Mr Narasimha Murthy is also recommended to be reduced from 150 Rs to 125 Rs and debarred from examinership for six years. From his own evidence, it is very clear that he has acted in a most irresponsible manner. He had no business to give any tips or hint to the Candidates (as admitted by him but denied by the students) taking advantage of the absence of the Chief Examiner. This would not however have been possible if the examiners were present in the Examination hall throughout. Mr Narasimha Murthy says that for considerable periods of time he was left alone in the Hall and the examiners used to be away, the max intervals being about 15 minutes. If this is true, it does not reflect any credit on the Conduct of these examinations. One cannot understand how or why the two examiners could not adjust among themselves & see that one of them always remained in the examination Hall.

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or is their absence that must have made Mr. Narasimha Murthy bold to give these tips and the Candidate to be tempted to seek his help, if at all two of the members of the University Council seem to have taken the attitude that Mr. Narasimha Murthy be treated as approver and excused. But this was lost, seven voting against. In view of the circumstances stated above, the reduction of his pay by 25 Rs from 150 to 125 Rs may be rather too severe and it is for consideration whether the reduction may not be somewhat lowered, especially as he has come forward with a statement voluntarily though he was fully aware that it would be very damaging and go against him.

Genl Secy)

22/10/41

17) [redacted] no C 494/1 dated 22.10.41 from the Registrar Mysore University forwarding a note of dissent from Rajasevasakta Mr. B.K. Narayana Rao. V

18) Letter dated 30.10.41 from Diwan Bahadur P. Mahadevayya forwarding a copy of his dissenting minute sent to the Vice Chancellor on the 10th instant. W

19) Letter no 507 dated 4.[illegible].41 from the Registrar

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X		intimating the marks of M A Alwar Iyengar in the Botany (Hons) Practical Examination and his S.S.L.C marks in 1935
Y		20. D.O no C 1957 dated 6.11.41 from the Private Secretary to H.H to the Dewan forwarding a copy of the precis in the matter of the malpractices in the Botany (Hon Examination.
Z		21 Note dated 6.11.41 forwarded by Mr. N. Balakrishniah member University Council.
		22 Letter no C 525 dated 10.11.41 from the Registrar Mysore University soliciting orders of Govt. regarding the re examination in practical papers.

~~Do~~

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23. These records pertain to the enquiry held by the Vice-Chancellor in regard to the conduct of the B.Sc. Honour's Examination, Botany, of the year 1941. A summary of the evidence is contained in pages 158 to 176 of the record of enquiry. Sir Charles Todhunter has also sent a copy of the precis prepared by him. The enquiry discloses serious misconduct on the part of Alwar Iyengar, son of Dr. Sampathkumaran, who was one of the candidates for the above examination and also grave irregularities in the conduct of the examination which gave scope for the commission of malpractices. The University Council have resolved that a fresh practical examination be held for all the candidates (except Alwar Iyengar), that the results of candidate No.163 (Alwar Iyengar) be cancelled and that he be debarred from the University examination of 1942 and that the pay of Mr. S.K.Narasimha Murthy, lecturer, who helped the candidates in the practical examination be reduced from Rs.150 to 125 and he be debarred from examinership for six years. While finding fault with Dr. Sampathkumaran for certain omissions and commissions, the University Council have voted against the proposition of Dr. B.K.Narayana Rao, by 5 to 3, that no action be taken against him. Nevertheless, they have not indicated what action is intended to be taken against him for the irregularities and misdemeanour committed by him.

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WD 04155—GPB—55,000—23-10-41

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24. The misconduct on the part of Alwar Iyengar may be considered under the following heads:--

(1) whether he got illicit help in regard to the theory papers of the examination;

(2) whether he got illicit help in regard to the practical examination; and

(3) whether he attempted to commit fraud in regard to the library notes produced by him for valuation.

25 (1) Whether he got illicit help in regard to the theory papers of the examination.

In considering this, it has to be noted that Alwar Iyengar was a very average student who had not shown evidence of brilliance in his performance at the previous public examinations or in the several class examinations in the B.Sc., Honour's Class. He is also stated to be not an industrious student either. He secured an ordinary pass in the S.S.L.C. examination and an ordinary pass in the Intermediate examination and that after failing once. In the class examinations of the B.Sc. Honour's class during the first two years of the course and in the first term of the third year, he got only about 50 per cent of the marks and not first class marks. Taking all the marks together, he got the lowest marks out of the six students in the class. In the final B.Sc., Honour's examination he got for the theory papers a total of 667marks out of a maximum of

1100 marks, which works out to about 60.6 per cent. He obtained a first class by a margin of 7 marks. As this aroused natural suspicion in view of his general capacity and his performance in the previous examinations, the answer books in the theory papers of all the candidates were sent for scrutiny to a gentleman, unconnected with the examination Viz., Mr. Koshi of the Travancore University. The observations made by Mr. Koshi which are reproduced below are very significant.

"There is no clear indication of any previous information regarding the questions in the answers of any candidate. While the majority of the candidates have maintained a uniform standard in the answers to the different questions of each paper, the answers of candidate No.163 (Alwar Iyengar) appear to vary so widely in regard to the quality and standard that I should draw special attention. In each answer paper of this candidate the answer to the first two or three questions are definitely of a higher standard than those attempted subsequently. Special mention of this fact is made because of the prolific references to authors and previous work to certain questions while certain others are not only lacking in such references but are of low standard. This may be due to his having been well prepared for some expected or probable

NOTE—Contn. Sheet.

questions. But how far even this could have been due to previous information on some of the questions for the examination it is not easy to say from the scrutiny of his answer papers."

96. The last sentence of the above extract is not quite in keeping with the first sentence. It may, however, be stated that no clearer indication of any leakage could be obtained in the circumstances of the case. Direct evidence in such a matter will not be available unless the candidate who had the benefit of such leakage would come out with an admission, but this could hardly be expected generally, as such admission will go against him and also those who might be responsible for such leakage. It is only by the appreciation of the attendant circumstances that any inference could be drawn. That a student of such average ability as Alwar Iyengar should answer a few questions in each paper in such a thorough manner and in a definitely higher standard (than other students, who were much better than him in class) is a very suspicious circumstance. It is true that at the examination time, students have a tendency to speculate on the probable questions and such speculation will not be exclusively confined to any single candidate. It is usual for the students to talk among themselves about such expected or probable questions. In this particular case, no other

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student seems to have answered in the manner Alwar Iyengar has done, indicating thereby that he did not make any guess about probable questions and much less prepare answers for such questions. It is hard to believe that only Alwar Iyengar among the students (and the weakest) could have had the intuition to guess correctly some of the questions in each paper and prepared for them so thoroughly. The low standard of answers to the other questions sets the level to his capacity. These circumstances give scope to a reasonable suspicion-verging on a high degree of certainty--that Alwar Iyengar should have had previous information of some questions and that he should have thoroughly prepared for them. If this be so, it is quite obvious from which quarter he could have got this information. Except his father (Dr. Sampathkumaran) the other examiners were all outsiders and as such, they were not in touch with or had any interest in any candidate. It may be argued that if some questions in each paper were leaked out, why not the other questions also. The answer to this is that if all the questions in each paper had been leaked out, the performance would be extraordinarily good and give rise to the greatest suspicion, in view of the general capacity of the candidate and his relationship with the Chief Examiner. Naturally, the tendency would be to avoid this. The object in view would be effectively secured, if ~~limits~~ hints were given of 2 or 3

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questions in each paper.

27. Whether Alwar Iyengar got illicit help in regard to practical examination.

There is ample evidence to show that Alwar Iyengar did receive illicit help during the course of the practical examination. Mr. Narasimha Murthy, lecturer, who was entrusted with preparation work and who remained in the practical examination hall on all the three examination days, states that Alwar Iyengar put questions to him as to what a particular specimen was and that he (Mr. Narasimha Murthy) replied, if he knew a particular specimen that it was so and if not, that it may not be. Mr. Jayarama Reddi, lecturer, who was working in the M.Sc., room adjoining the examination hall, states that Mr. Narasimha Murthy brought some plant from the examination hall and also some specimens when the examination was going on and that Mr. Sampathkumaran (nephew of Dr. Sampathkumaran) who was also in the M.Sc., room at the time asked Mr. Narasimha Murthy what specimens were issued that day, that Mr. Sampathukumaran had also some specimens in his hand and asked Mr. Narasimha Murthy under what letter in the examination hall the specimens in his hand were placed, that Mr. Sampathkumaran was identifying some slides that had been given to the students for identification and was giving some slips of paper to peon Lacha who was taking away the slips with

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1100 marks, which works out to about 60.6 per cent. He obtained a first class by a margin of 7 marks. As this aroused natural suspicion in view of his general capacity and his performance in the previous examinations, the answer books in the theory papers of all the candidates were sent for scrutiny to a gentleman, unconnected with the examination Viz., Mr. Koshi of the Travancore University. The observations made by Mr. Koshi which are reproduced below are very significant.

"There is no clear indication of any previous information regarding the questions in the answers of any candidate. While the majority of the candidates have maintained a uniform standard in the answers to the different questions of each paper, the answers of candidate No.163 (Alwar Iyengar) appear to vary so widely in regard to the quality and standard that I should draw special attention. In each answer paper of this candidate the answer to the first two or three questions are definitely of a higher standard than those attempted subsequently. Special mention of this fact is made because of the prolific references to authors and previous work to certain questions while certain others are not only lacking in such references but are of low standard. This may be due to his having been well prepared for some expected or probable

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questions. But how far even this could have been due to previous information on some of the questions for the examination it is not easy to say from the scrutiny of his answer papers."

9b. The last sentence of the above extract is not quite in keeping with the first sentence. It may, however, be stated that no clearer indication of any leakage could be obtained in the circumstances of the case. Direct evidence in such a matter will not be available unless the candidate who had the benefit of such leakage would come out with an admission, but this could hardly be expected generally, as such admission will go against him and also those who might be responsible for such leakage. It is only by the appreciation of the attendant circumstances that any inference could be drawn. That a student of such average ability as Alwar Iyengar should answer a few questions in each paper in such a thorough manner and in a definitely higher standard (than other students, who were much better than him in class) is a very suspicious circumstance. It is true that at the examination time, students have a tendency to speculate on the probable questions and such speculation will not be exclusively confined to any single candidate. It is usual for the students to talk among themselves about such expected or probable questions. In this particular case, no other

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the slides. He further states that Mr. Sampathkumaran was taking out sections of two bits of materials with a razor on the second or third day and putting them in petri dishes and that peons Latcha and Venkatasami took them away. He thought that there had been leakage of information about the specimens given in the examination and that information was being supplied to some candidate in the hall and that he suspected Alwar Iyengar being so helped. His suspicion was due to the fact that the peon was saying that some one had cut the finger and that he later saw Alwar Iyengar with an injured finger. Mr. Vyasaraja Rao states that on the first day of the examination, Mr. Narasimha Murthy came to the Herbarium room with a plant in his hand and asked him in the presence of Mr. Sampathkumaran to which family it belonged and that when he answered him, he (Mr. Narasimha Murthy) went away with Mr. Sampathkumaran, that the latter (Mr. Sampathkumaran) was looking ~~at the~~ at the file of collections relating to the families of different specimens and was going out and coming in. Mr. Kowsik also states that a week after the practical examination he heard that bits of materials given for sectioning, probably on the second day of the examination were taken out of the examination hall, sections were prepared outside and passed into the hall and that Messrs. Narasimha Murthy, Bashir Ahmed and Sampathkumaran

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were responsible for such help being given to the candidate. Mr. Jayaram Reddi further states that when he warned Mr. Sampathkumaran at the time of the practical examination, the latter remarked 'Everything is going on smoothly. You need not worry Mr. Reddi' and that when questioned by Mr. Narasimha Murthy about the malpractices alleged to have occurred in the practical examination, he said in Mr. Seshagiriah's room and in the presence of Mr. Sampathkumaran himself as follows:--

> "Well, Mr. Sampathkumaran, I warned you then alone. You did not care and said that everything was going on smoothly. Mr. Sampathkumaran remarked that such malpractice was going on in previous years also and then accused some staff ~~mem~~ members who he supposed might have carried the news to the University authorities."

28 Mr. Narasimha Murthy admits having helped the students on all the three days and to have helped them in the identification of plants. He states that Alwar Iyengar was looking at the reference books and pointed out something to him when he replied no, meaning that the specimen given for identification was not the one and that later, when the same student was somewhere near the mark and pointed out, he said it may be.

29. Alwar Iyengar admits that he had cut his finger on the second or third day of the practical examination.

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It should be the second day as he was found with a bandage on the next day of the examination which was the last day. After seeing the question papers shown to him at the time of the enquiry, Mr. Jayaram Reddi is definite that section work had to be done on the second day only as micro preparations had to be done on that day. Mr. Vyasaraja Rao, lecturer, stated definitely that Alwar Iyengar told him that he could not do section cutting as he had cut his finger at the first material he took for sectioning. While denying at first that he told any one that due to the injury to his finger he could not complete the section work, Alwar Iyengar states subsequently that he does not remember exactly whether he had said so to any one.

30. It is evident that Alwar Iyengar was helped by Mr. Narasimha Murthy during the practical examination. Mr. Narasimha Murthy admits having given him hints about the identification of the specimens. Mr. Jayarama Reddi asserts that Mr. Sampathkumaran (Nephew of Dr. Sampathkumaran) was identifying slides given to the students and sending slips of paper with the slides through one of the peons. Mr. Sampathkumaran had no work in the Botany department at the time and there was no reason why he should have been in the room adjoining the examination hall and identifying the specimens and the slides except to give help to a candidate in the examination hall which could

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be no other than his relative Alwar Iyengar. Even on the second day he has done sectioning work and passed it on to the hall, evidently for the use of Alwar Iyengar who could not attend to sectioning work on account of a bad injury to his finger. The admission of Alwar Iyengar to Mr. Vyasaraja Rao cannot be doubted as there is no reason why the latter should make a false statement. It is for the work on the second day of the practical examination that Alwar Iyengar gets the highest percentage of marks (75). When he had cut his finger badly and when he could not do much sectioning work and complete the same, it is highly significant how he could have secured the highest number of marks. Even Dr. Sampathkumaran was surprised at the performance of his son, as he thought he was not capable of it. The conclusion is irresistible that the section cuttings which Mr. Sampathkumaran had done in the Herbarium room and which he sent inside the hall with the peon should have been passed off by Alwar Iyengar as his own and this should have got him the highest marks. The malpractice in the practical examination hall seem to have been a matter of public talk in the college circles at Bangalore.

31. <u>Whether Alwar Iyengar misbehaved in regard to Library notes.</u>

That Alwar Iyengar had produced the note books of

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another student is admitted. The purpose with which this was done is open to question. According to Alwar Iyengar himself he produced the note books of another student along with some of his own to show to the Assistant examiner the futility of attaching much weight to note books, which contained nothing but extracts from text books or copies from other note books. He had borrowed the books of one Bakthavatshala Naidu who was then the student of Second Year Honour's class and kept them with him from December to March. He would not have done so, if they were so useless, containing only extracts and copies of other note books. The fly leaf of these note books bore the name of the owner but these were covered with a wrapper on which the name of Alwar Iyengar was written. Mr. Seshagiriah, the Assistant Examiner who valued these note books definitely asserts that Alwar Iyengar, when questioned, stated that the note books were his, but when the wrappers were removed and the name of the owner written on the covers of the note books was shown, Alwar Iyengar began to give unsatisfactory explanations. What these explanations exactly were is not known nor has this been elicited definitely during the course of the enquiry. The contention of Alwar Iyengar is that Mr. Seshagiriah was not present when he produced the books and that he wrote his name on the wrappers to

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prevent the books being returned to the owner direct. If this was the real intention, nothing prevented Alwar Iyengar to have said so at the very first instance when Mr. Seshagiriah questioned him. He should not have asserted that the note books were his. The explanation now given seems to be an after thought to cover the fraud which he thought he could commit without being detected. When he was required to produce the note books written by him it was unnatural to expect that the student should go to the Assistant examiner with the note books of others with the intention of discussing with him the value to be attached to such notes. There is also reason to doubt whether the note books produced in the enquiry, purporting to be that of Alwar Iyengar were really those produced by the student before Mr. Seshagiriah for valuation. Mr. Rangasami one of the Assistant examiners states that the books shown to him during the time of enquiry were not those which Alwar Iyengar produced at the time of valuation. As there is no evidence to show that Mr. Rangasami scrutinised the books in detail at the time of valuation, his statement is not entitled to much weight. However, the delay in producing the note books has given room for much suspicion. Dr. Sampathkumaran admits that he had all the library note ~~books~~ books of his son with him when the Registrar spoke to him on 28th of June and asked for the class records. He

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also admits that the Vice-Chancellor had asked him on 2nd June to collect all the drawings and note books. If that be so, why he did not hand them over to the Registrar on the 28th June is not clear. Apparently his explanation is that he did not do so, as he had not collected by then the note books of the other students. But in his letter dated 16th July to the Vice-Chancellor (18 days later) he states that the library note books of his son were always in his (son's) possession. This discrepancy has not been explained. The note books seem to have been sent at a very late stage in the enquiry and this abnormal delay has ~~materially~~ naturally given room for a suspicion that the note books of Alwar Iyengar may have been written up afresh or improved in the meanwhile.

32 Mr. Narasimha Murthy states in his letter dated 28th August 1941 to the Vice-Chancellor that he heard from Mr. Kowsik that Dr. Sampathkumaran had requested the latter whether he had any objection in writing some notes, rough sketches, or any other remarks on the interleaf of the drawing book of Alwar Iyengar, that Kowsik agreed to do so and did accordingly. As this letter has been written after the close of the enquiry and as Messrs. Narasimha Murthy and Kowsik have not been examined on this point nor Dr. Sampathkumaran confronted with the same no weight could of course be attached to this statement. What Mr. Narasimha Murthy seems to

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suggest is that even the laboratory records were improved before they were produced at the enquiry.

33 It may be taken as established that Alwar Iyengar got illicit help in the practical examination both from Mr. Narasimha Murthy and Mr. M. A. Sampathkumaran and that he attempted to present another student's library ~~not~~ note books as his own. His performance in the theory paper also gives room for a high degree of suspicion, that he should have had previous information about some questions. The University Council have resolved by a majority that the results of Alwar Iyengar in the ~~theory~~ examination of 1941 be cancelled and that he be debarred from the University examination for 1942. This is by no means a severe punishment for his misconduct and for the malpractice which he attempted to commit. The atmosphere was favourable and tempting and the young man took full advantage of the same.

34. The University Council have also, by a overwhelming majority, given a finding that Mr. Narasimha Murthy helped illicitly all the candidates generally in the practical examination of 1941 and resolved that a fresh practical examination be held for all the candidates. Mr. Narasimha Murthy's confession cannot be discounted, as he has made it voluntarily and with a full sense of the consequences. There is no reason why he should do so falsely knowing the risks he was undertaking. There is,

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however, no definite evidence that one of the candidates Viz., Gopala Krishna accepted the illicit help volunteered by Mr. Narasimha Murthy, but as the atmosphere in the examination hall was tainted, it has been proposed to examine all the candidates including Gopala Krishna. This has to be accepted, though in equity it is not fair to penalise a candidate when there is no definite evidence against him.

35. As regards Dr. Sampathkumaran, his conduct in regard to the several incidents disclosed during the enquiry may be judged under the following heads:--

(1) Whether he leaked out any information about the theory papers to his son Alwar Iyengar;

(2) Whether he connived at the production of other's library note books by his son;

(3) Whether he tampered with the marks given for class work (library notes);

(4) Whether he had made effective and efficient arrangements in regard to the conduct of practical examination;

(5) Whether he influenced his subordinates in the matter of giving evidence at the enquiry;

(6) Whether his conduct during the course of his examination was open to question; and

(7) Other matters pertaining to the examination.

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36 (1) Whether he leaked out any information about the theory papers to his son Alwar Iyengar.

This has been sufficiently discussed in para. 25-26 The performance of Alwar Iyengar in the theory papers, judged in the light of his general capacity and his performance at the previous examinations raises a high degree of suspicion that he should have had some previous ~~limits~~ hints about some questions in each paper and that such information, if at all, could not have been got through any one except his father.

37 (2) Whether he connived at the production of other's library note books by his son.

Dr. Sampathkumaran admits that his son produced along with his own, some note books of one Baktavatshala Naidu, a second year Honour's student, to show that not much value could be attached to the notes as they are mere ~~xxxx~~ extracts of text books or copies of notes made by other students and that he instructed his son to take all the books, show them to the Assistant Examiner who has been entrusted with the work of valuation and explain the position. In the first place, being the Chief Examiner, he should not have had any dealings with any candidate, especially his son, behind the back of the Assistant Examiners who had been allotted this work. Secondly he should not have suggested to the candidate to take the note books of other students to discuss the

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futility of such notes with the Assistant Examiners. Dr. Sampathkumaran admits that the practice of copying notes had come to his notice for the previous five years and if this be so, it is strange that he did not take any action to put a stop to such an undesirable practice. Library work is intended to develop in the students the habit of referring to other books on the subject and to make notes of any extra information contained therein using their own intelligence, so as to improve their ~~language~~ knowledge. The object would be frustrated to some extent if one student is allowed to copy mechanically the work of another. The explanation offered seems to be an after thought to cover the guilt of the candidate in question.

38 Dr. Sampathkumaran has admitted that his son was consulting his personal library. While there could be no objection to this, outside the class library hours, it is not correct on principle, from the disciplinary or other point of view, to have allowed him to do so during class hours. The student should have done his library work along with other students of his class in the general library of the college under the supervision of the officer in charge.

39 (3) Whether he had tampered with the marks given for class work (library notes).

Mr. Seshagiriah who evaluated the class record

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states definitely that he gave zero to Alwar Iyengar for his library notes. Mr. Rangasami who was detailed to assist Mr. Seshagiriah in this work corroborates him. Dr. Sampathkumaran asserts that he had a subsequent discussion with both the Assistant examiners, as a result of which the marks allotted for library notes were reduced from 15 to 10 and that Alwar Iyengar was given two or three marks for the notes actually written by him and that the marks reduced under library notes were added on to Herbarium specimen notes and the marks given for this raised. The Assistant examiners do not say that any such redistribution of marks was made or that any specific number of marks was given to Alwar Iyengar for library notes. Mr. Seshagiriah further states that Dr. Sampathkumaran had tutored him to say that he did not give zero but only that he did not award any marks to Alwar Iyengar for that part of the work. It is significant that the marks lists sent by the Assistant examiners in regard to the valuation of class records is not forthcoming nor has any record of marks been made in the office registers. From the D.O. letter dated 10th July 1941 written by the Vice-Chancellor to Dr. Sampathkumaran it is gathered that the latter had told the Vice-Chancellor that an office copy of the marks list should be available. No explanation is, however, forthcoming either for the non-availability of the marks

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list or to the non-entry of the marks in any college register. Only the list of consolidated marks was sent to the University office. According to this Alwar Iyengar got 58 marks. How this was distributed among the several kinds of class records cannot be definitely ascertained. None of the Assistant Examiners could remember what marks they gave to Alwar Iyengar in regard to the class records other than the library notes. As Alwar Iyengar has got a first class by a narrow margin of 7 marks, it is of special significance to know how many marks had been given by the Assistant examiners for the class records and to what extent they were subsequently revised by Dr. Sampathkumaran. The suppression of the marks list suggests an adverse inference against the Professor. The responsibility of the Chief Examiner to produce the list is very great and in the absence of a satisfactory explanation as to what became of it and why no copy of the same was maintained in the office records, it is reasonable to presume that the suppression is deliberate and may be with a view to avoid unpleasant disclosures.

40. (4) Whether he made effective and efficient arrangements in regard to the conduct of practical examination.

I am constrained to observe that no effective or efficient arrangements had been made in regard to the conduct of practical examination. Junior members of tl

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staff and even attenders have been detailed to bring plants for identification purposes. It should have been realised that this would give scope for leakage. The Assistant examiners or those who were asked to assist were allowed to come in and go out as they pleased. Mr. Narasimha Murthy was going out for food and also to the Intermediate college during the examination hours. He states that Dr. Sampathkumaran used to be in the Principal's room or in the Professor's room leaving him entirely in the examination hall and that the Examiners were not looking at the candidates and could not watch them at work. Mr. Seshagiriah also states that he was not in the examination hall for any continuous period but was merely passing through it at times. Persons unconnected with the department or the College were allowed to be in the proximity of the examination hall. One such person was Mr. Sampathkumaran, the nephew of Dr. Sampathkumaran. He had ceased to be a member of the staff sometime before the examination but was allowed to be in the Herbarium or M.Sc., room adjoining the examination hall during all the three days of the practical examination. Evidence has been let in to show that he was identifying the specimens and slides and doing section work and sending such specimens and slides with bits of paper to the examination hall through the peons of the college, evidently for the purpose of helping his relative Alwar Iyengar.

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41. Dr. Sampathkumaran says that he had issued strict instructions that no one unconnected with the examination should be near the hall and that he personally saw to these instructions being carried out. This cannot be believed in the face of what happened. He had permitted Mr. Narasimha Murthy to assist him in the practical examination work without the approval of the University. Even conceding that he had to do so in unavoidable circumstances (as Mr. Rangasami who had been appointed had fallen ill at the time) he should have reported the matter to the University at least after the examination was over. He has failed to do so and his explanation for this is that he was busy with the U.T.C. work, as though this work engaged him throughout the day and for more than 2 or 3 months after the examination. Having appointed Mr. Narasimha Murthy with a promise to pay him some remuneration, he had not paid him till August though he had drawn the remuneration for the work. It is only after he was questioned on one of the days of the enquiry that he sent him a cheque afterwards. Such unofficial and private arrangements in the conduct of a public examination ought to be severely deprecated.

42. Dr. Sampathkumaran as the Chief Examiner has not therefore discharged his responsibility with any amount of care and caution. He should have been present in the examination hall when the examination was going on

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instead of leaving it entirely in the hands of junior lecturers. It is this want of vigilance, whether deliberate or otherwise, on his part that made it possible for the malpractices which have come to notice being committed so boldly and with so much of impunity.

43 · (5) Whether he influenced his subordinates in the matter of giving evidence at the enquiry.

There is evidence to show that Dr. Sampathkumaran influenced the members of the staff as to what exactly they should say at the enquiry. Mr. Narasimha Murthy states as follows:--

"Dr. Sampathkumaran had sent word to me through Mr. Seshagiriah two days before my examination. Mr. Seshagiriah came to me and said 'Be prepared; of course, he has told you all points'. After he left me I wrote a panel of questions and answers and took it to Dr. Sampathkumaran's house. After I read out the whole, he suggested one or two alterations here and there and asked me to go."

When he questioned whether he wished to suggest that he did not disclose the entire truth on the first day of the examination because he had been asked to suppress some facts, Mr. Narasimha Murthy has answered that it was definitely so. He has further stated that after the first day of examination and before he gave his confession on the 9th August, he was going every day

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to Dr. Sampathkumaran who was saying to him 'I am here to protect you.'.

Mr. Seshagiriah has said as follows:--

"I had gone to Mr. Rangasami and Mr. Narasimha Murthy's house under instructions from Dr. Sampathkumaran. He had asked me to go to their houses and remind them about the interview which they might likely to have with the Vice-Chancellor. Dr. Sampathkumaran had asked me to request Mr. Rangasami and Mr. Narasimha Murthy to have everything they wanted to say written on a piece of paper. It is for this purpose that I had been to their houses". "I was also asked to prepare a statement and learn it well". "I did not prepare the statement as there was no need for it." In fact he himself dictated to me what I had to say before the Vice-Chancellor when questioned about these things. That morning he sent word to me. I had gone to his house. He said "on Monday the Vice-Chancellor may send for you and ask questions. If he puts any questions about note books, you please say that Alwar Iyengar submitted Naidu's books not with a view to presenting them but with a view to show how library records are made up." As regards marks he said, you need not say you gave zero. You simply say that you had not awarded any marks for that part of the work."

44// Dr. Srinath states that he was sent for by Dr. Sampathkumaran about May and warned that all talking about

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this (malpractices in the practical examination hall) should cease in the Intermediate college as it was causing him great annoyance and that Dr. Sampathkumaran also said "we rounded off this time and everything will be alright."

45 Mr. Narasimha Murthy has again stated as follows:--

"I told Dr. Sampathkumaran after I spoke to the Registrar that I have given tips to all the students and someone or other might tell this and if anybody should be asked in this connection somebody would come out and they might go to the extent of saying that I helped Mr. Alwar Iyengar. Then he remarked "yes" "yes" and he referred to Khaleel Ahmed's incident and said you should not have done that but now it is done you can simply keep quiet. I think there will be no trouble about it.

In fact for more than once a day for the last perhaps two months after the college reopened I was seeing Dr. Sampathkumaran. Either I used to tell him or he used to tell me something about this affair and I made my mistake clear to him on two occasions. But on the third occasion when I met him he asked me to keep it within myself."

46 It is evident from the above that Dr. Sampathkumaran was aware of the malpractices that had occurred and that he tried to influence his subordinates to give evidence in a particular manner, suppressing the disclosure

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of true facts. This is a very serious indictment which could be made against any one. Of course, Dr. Sampathkumaran has discounted the evidence of these witnesses by saying that they are not reliable and that they have been tutored by some one to say so. It is natural for him to say in this manner. Whatever may be the opinion which may be formed about Mr. Narasimha Murthy's evidence, there is no reason to disbelieve Mr. Seshagiriah. Dr. Sampathkumaran's conduct in this respect is open to grave objection and deserves severe notice.

46. (6) His conduct during the course of the examination

His conduct on the last day of the examination is highly reprehensible, not being worthy of an officer of his standing and position. He was not self-restrained and temperate in his statements and language and has made observations of a defamatory character in regard to his subordinates who have given evidence during the enquiry. He has also made serious insinuations about the methods alleged to have been adopted to get at the evidence. Some of the extracts containing these observations and insinuations are given below:--

Referring to Mr. Narasimha Murthy's statement Dr. Sampathkumaran said "I think you are degrading the Department if you believe this crazy man's statement and I do not like to be questioned on this and I like to be treated with some dignity."

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"But I know the man (Mr. Narasimha Murthy) is a rogue. I thought he was a mere numskull and I never thought he was capable of rascality. Evidently he (Mr. Narasimha Murthy) has been a rougue."

"I do not believe in the statement. He has been a rogue. He himself admits he has been a rogue and therefore I should call him a rogue or a crazy man."

"Till now I thought he was merely a feeble minded fellow but now I consider that he has been a rogue."

"I have answered all the questions. Narasimha Murthy's confession is like Zinoviff's letter. It was put at a psychological moment at 9-30 A.M. on the morning of the University Council meeting. The whole thing is a tissue of lies. I never discuss such things with my assistants and students."

47 When the Vice-Chancellor asked him whether he should understand that he was in the examination hall during the whole examination, Dr. Sampathkumaran replied "Yes." These statements are absurd statements." Further on he said "I consider that these statements are obtained by threats."

48 When questioned whether the statement made by Mr. Narasimha Murthy would not damage himself, Dr. Sampathkumaran said "Any way he has damaged himself. He must have been threatened." When questioned whether if a man is threatened, he will implicate himself, Dr. Sampathkumaran answered "Yes, he has done so. All these

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evidences are manufactured for the support of the proposition that was passed without sufficient enquiry in the University Council on the 26th April."

To another question he has answered, "His statements are obtained by third degree methods."

49. It is surprising that the Vice-Chancellor should have allowed him to talk in the above strain. He should have pulled him up and warned him to be more temperate in his language and refrain from making insinuations against any one. These insinuations are probably against the Vice-Chancellor and the members of the University Council. If that be so, such statements are subversive of discipline, besides lacking in ordinary courtesy and decorum.

50. (7) Other matters pertaining to the examination.

Dr. Sampathkumaran has set two question papers in theory out of five, for one batch of students and 2½ papers out of six, for another. He was examiner during all the three days of the practical examination. He has in all valued, whether in the first or second valuation, 8 out of 9 papers set for the examination. Such an extraordinary concentration of valuation, especially in a local examiner is neither safe to the examiner nor to the students. It is natural to expect that the Professor should have formed his own predilections about the students and such a concentration of valuation is likely

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to be abused whether innocently or otherwise. It will also give room for suspicion that the Professor as examiner would favour students in whom he was interested.

51 It is also surprising that Dr. Sampathkumaran as Chief Examiner did not intimate to the University that his son was appearing for the examination. It may be that there is no rule in the Ordinance, ~~regarding~~ requiring such intimation being given and no convention to this effect prevailing in the University. But ordinary prudence should have dictated, when he was to be the Chief Examiner setting so many theory and practical papers, that his position would be misconstrued if he should value the answer papers of his own son. It is unfortunate that he did not bring this to the notice of the University and obtain specific instructions in the matter.

52 In his letter to the Vice-Chancellor dated 28th August 1941, Mr. Narasimha Murthy has made some more disclosures. He states that under instructions from Dr. Sampathkumaran, Mr. Seshagiriah had sent him a bundle of answer papers of Botany students of the second year class and asked him not to note the marks against answers and that as he had already noted the marks before reading the instructions, he had to rub off the marks against the answers and to submit the marks in a separate sheet. He further states that a few days later, Dr. Sampathkumaran found fault with him and Mr. Rangasami for having announced

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the results of some of the candidates, for he stated that he wanted to give the first place to Shankaranarayana Sarma who was poor, so that he may continue to have the subject scholarship and did not wish Bhaktavakshala Naidu to get the first place as he had already got the Backward Class scholarship. Even this statement has not been subjected to cross examination nor the other persons referred to given an opportunity to explain whether the statements made were true or not. If there is any truth in the statement, it will only show how marks are manipulated with some purpose in view.

53. It is gathered from the enquiry that Dr. Sampathkumaran, as Chief Examiner, had received the marks lists from the other examiners a day or two before he sent his own marks to the University office. He was thus aware of the marks given by the other examiners to the several candidates. Without suggesting anything, it may be said that such an arrangement will give scope for manipulation of his own marking by the Chief Examiner. It is noticed that Dr. Sampathkumaran has given uniformly a mark or two less to his son than the outside examiners for each question in theory papers. This may give rise to a presumption that the marking might have been done by him after he had come to know of the marks given by outside examiners and that such marking was deliberately pitched a little bit lower to avoid creating an impression

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impression that he had favoured his son. To prevent any scope for such impressions or suspicions, it is better to lay down that each examiner should send his marks list direct to the University office, which may consolidate the marks or that the Chief Examiners should send their marks to the University Office a few days before the other examiners send their marks to them (Chief Examiners).

54 The University Council have given the following findings by a majority in regard to Dr. Sampathkumaran's conduct.

(1) that they are not satisfied with his maintenance of record of marks for class work,

(2) that they are not satisfied with his procedure in putting Mr. Narasimha Murthy to assist in the practical examination,

(3) that they are not satisfied with his attitude towards the University Council and the Vice-Chancellor.

(4) that they are convinced that he interfered with the evidence of his subordinates before the Vice-Chancellor.

55 The proposition moved by Dr. Narayana Rao that no action be taken against Dr. Sampathkumaran has been lost, five voting against and three for and one remaining neutral. The implication of the vote is that the majority was in favour of some action being taken. What action the University Council propose to take has not been specified nor has the Vice-Chancellor made any definite recommendation in the matter.

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56. This is the second scandal in regard to the conduct of public examination that has come to the notice of Government. The irregularities and malpractices in the conduct of examinations will not only affect the prestige of our University but also shatter public confidence in the integrity of our examinations. Dr. Sampathkumaran is due to retire on the 15th July 1942. If he is merely granted leave preparatory to retirement, it will be no punishment for the serious irregularities committed by him and for his unbecoming conduct, as revealed during the enquiry. He should be asked to refund the examination fees which he has drawn in connection with the Practical examination of 1941. He should also be asked to give up any examinership in outside Universities, if he has been allowed to accept the same. What further disciplinary action has to be taken in the matter is for consideration and orders.

57 In the proceedings of the University Council as communicated previously, it was stated that the proposition of Dr. B.K.Narayana Rao to the effect that no action need be taken against Dr. Sampathkumaran had been voted for by a majority. In an amendment subsequently sent, it is seen that this proposition was lost. It is surprising that a mistake of this kind should have been made in recording the proceedings of the University Council on such an important issue. In the University

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Council meeting held on the 26th April 1941 a resolution seems to have been passed to the effect that Alwar Iyengar should be subjected to a re-examination. The copy of the proceedings sent to Government does not contain this resolution. More satisfactory arrangements should be made and more care bestowed in recording the proceedings.

The University have resolved that Mr. S.K.Narasimha Murthy's pay be reduced from Rs.150 to Rs.125 and that he be disqualified from being an examiner for six years to come. It is admitted by Narasimha Murthy himself that he gave illicit help to the students during the practical examination. He has also taken specimens out of the examination hall and handed over the same to a person unconnected with the examination. These are serious irregularities which deserve severe notice. A fresh practical examination involving additional expenditure has become necessary on this account. There is nothing to show that he was instructed by any one of the examiners to give such illicit help. The only saving feature is that he has made a clean breast of the affair and but for him the several irregularities in the conduct of examinations would not have been disclosed. The proposal of the University amount to the reduction of his pay by five increments. In another case of malpractice in the Maharaja's College, the Professor's pay was reduced by two increments. I think, taking all the circumstances into

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consideration, the pay of Mr. Narasimha Murthy may be reduced by three increments viz., Rs.15 and that he be disqualified from being appointed to the examination work for the next six years as proposed by the University Council.

59. Mr. Rangasami has not discharged his duties as an Assistant Examiner in a satisfactory manner. Without taking any trouble to scrutinise the class records of the students as he was expected to do, he merely accepted the valuation of Mr. Seshagiriah and affixed his signature to the ~~class~~ marks list. It is dangerous to appoint such a person as examiner in whatever capacity. He may also be disqualified from being appointed for examination work for three years. The University may be asked to take suitable notice of the conduct of the peons Latcha and Venkatasami who acted as carriers of illicit help to the examination hall from outside.

60. The conduct of Mr. Kowsik also seems to be questionable. He was evasive and not straightforward in his evidence. Such a person cannot be relied upon. He may not be appointed for any examination work for a period of three years.

61 Mr. Sampathkumarahy (Nephew of Dr. Sampathkumaran) has played a considerable part in the commission of malpractice at the practical examination. He was not in the employment of the University at the time and was not connected.

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connected with the examination and as such there was absolutely no need for his presence near the examination hall. He has identified specimens and done section work and passed slides and sections to the examination hall with bits of paper through the peons. He has failed to appear before the Vice-Chancellor for examination when called. It may be laid down that he should not be employed in the University in future and that he be debarred from entering service in any other department for at least a period of three years.

62 The procedure followed in regard to the enquiry has raised a considerable controversy. Mr. Mahadeviah has written a minute of dissent, a copy of which is sent to Government is placed below. As the enquiry has been completed, no purpose will be served in examining the merits of the points raised.

63. It seems highly desirable, in the light of the disclosures made in the several enquiries pertaining to the examinations, including the present one, that the University should be asked to appoint a small committee consisting of members of the staff and non-official members of the Senate, the University Council and other academic bodies, to suggest suitable safeguards necessary to avoid repetition of such irregularities in the conduct of examinations in future.

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64 (Em number) 15/11/41

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65 This case deals with the alleged malpractices and irregularities connected with the Botany Honours Examination of 1941. The Vice Chancellor at the meeting of the University Council on the 26th April brought to the notice of the members that one of the candidates bearing register No.163 happens to be the son of the Chairman of the Board of Examiners who gets a first class and since he happens to be the son of the examiner and also being an average student leads to serious doubts, about his bona fides. So it was decided at the meeting to hold a re-examination for this particular candidate. Subsequently on 30th May 1941 when the question of the appointment of the Board of Examiners for the re-examination was being considered, Mr.McAlpine brought to the notice of the University Council a rumour that this No.163, i.e., Alwar Iyengar son of Dr.Sampathkumaran had produced note books of some other student as his own and the University Council resolved to hold an enquiry. At the next meeting, the Vice Chancellor expressed the desire to be associated with three other members of the University Council for holding the enquiry and wanted Mr.McAlpine, Mr.P.Mahadeviah and Mr.Mirle Laxminaranappa to help him. But Dr.Sampathkumaran seems to have raised an objection on the ground that the members of the University Council have already prejudged him and the Vice Chancellor elected to continue the enquiry by himself. This attitude of the Vice Chancellor has raised a keen controversy between himself on the one hand and Mr.Mahadeviah on the other and elaborate correspondence has passed between the two. This correspondence seems to have become much more important than the actual

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case itself. The Vice Chancellor conducted the enquiry and prepared a report which was proposed to be discussed on the 9th August 1941 at the University Council meeting. But just on that date at about 9-30 a.m. one Mr.S.K.Narasimha Murthy went to the house of the Vice Chancellor and confessed that he had given tips to the students of the Botany Honours Examination which was brought to the notice of the members of the University Council on that day. So the University Council asked the Vice Chancellor to conduct further enquiry in the light of this confession. The Vice Chancellor further examined witnesses and finally submitted his report to the University Council on 27th September 1941.

66. This is a case in which the conduct of the following persons is in question:-

(1) Dr.Sampathkumaran, Professor of Botany,

(2) M.A.Alwar, son of Dr.Sampathkumaran,

(3) Mr.S.K.Narasimha Murthy, Lecturer in Botany,

(4) Mr.Sampathkumaran, nephew of Dr.M.A.Sampathkumaran,

(5) Students of the Botany Honours Class.

67 The Charges against Dr.Sampathkumaran, Professor of Botany, are as follows:-

(1) That he examined his own son,

(2) That he did not disclose this relationship to the Vice Chancellor,

(3) That he connived with his son to pass off library notes of another student as his own.,

(4) That he coerced his assistants to give false evidence,

(5) That he did not produce the library notes and practical records early when he was called upon to do so,

(6) That he did not produce the marks list,

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(7) That he had not made proper arrangements at the time of the practical examination.

(8) That he corrected unusually large number of answer papers.

68 One of the important charges against him is that he must have given out questions to his son. There is no direct evidence on this point and the conclusion has to be arrived at by inference that he happens to be the father and that Alwar was only an ordinary student and could not have got a first class. The valuation of the answer papers by an outside examiner wherein he has stated that the standard of answers for a few questions is distinctly higher than the answers to the other questions, may also lead to this presumption. The following factors also have to be considered along with these.

69 There is nothing in the rules and ordinances prohibiting the examination of a student by a relative. In previous years there were instances where students have been examined by their relatives.

70 Regarding the allegation that Alwar was an average student, it may be judged from the marks he has got in various examinations. In the Intermediate Examination of 1938 he gets 58% in Botany though in other subjects he gets less number of marks and the total per centage is 44. In his B.Sc class preliminary examination he gets 50%. From the list of the various students of the Botany Honours who have passed in first class it is found that there are cases wherein they have failed in the Intermediate Examination but have secured first class in the Honours Examination. The report of the outside examiner leads to a doubt that the candidate in question

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must have been aware of some of the questions which he answered well. But his report is not definite to warrant one to arrive at the conclusion that the questions have been leaked out. It is possible that he had prepared well for those questions because he had expected these questions. But no definite conclusion can be arrived at. However, Dr.Sampathkumaran would really have been prudent if he had disclosed the fact of his relationship to the Vice Chancellor while his son was an examinee to avoid the suspicion which it would necessarily lead to under such circumstances.

71 It is admitted that his son passed off the library notes belonging to one Bhaktavatsala Naidu and produced them for valuation at the practical examination. It is also admitted that he covered the fly leaf of these note books with a wrapper and wrote his name on it. According to Mr.Seshagiriah, the student first said they were his and when confronted with the other name on the fly leaf, he began to give another explanation. This really leads to a presumption that he did attempt to pass off another man's note book as his own. The explanation given by Dr.Sampathkumaran and Alwar are as follows:-

72 According to them the library notes were not of much use since they were copies either from others note books or from the text books and Alwar wanted to show the futility of producing these note books to the examiner and took the note books of another boy to prove this theory. He wanted to tell about this to the examiner Mr.Seshagiriah but since he was absent he left the note books of Bhaktavatsala Naidu along with his own with the object of explaining to him subsequently the reason for producing the note

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books of another student. But he could not explain to him as he did not meet him. Dr.Sampathkumaran states that his son showed him the note books and he asked him to take all the note books to the examiner. But he explains the reasons for covering the wrappers and writing his own name just to ensure the return of these note books to him instead of the original owner. But any how it seems to me his explanation has come late and the fact that Alwar tried to psss off another man's note book as his own cannot be overlooked. Dr.Sampathkumaran says that he himself asked his son to go and show those note books. This seems to be an attempt to screen his boy and is very foolish of him.

73. This case has become still more complicated on account of the confession made by Mr.S.K.Narasimha Murthy on 9th August 1941. It is this confession that led to further enquiry and further malpractices being brought to light. Before going further, I may make some remarks on the course of the enquiry itself. All the witnesses have been examined by the Vice Chancellor himself and some of them have been examined in the presence of the Principal, Central College. Just at the beginning of the enquiry the Vice Chancellor wanted the help of the three members of the University Council, but gave up that idea on the protest of Dr.Sampathkumaran. Serious allegations have been made against Dr.Sampathkumaran. It is understood that this enquiry was meant to find out the truth and if necessary to take disciplinary action against the culprits. So in the interest of the persons concerned whose career is going to be made or marred it would have been better if specific

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charges had been framed and the issues defined. I find that witnesses have not come forward with their statements of truth at one and the same time. Some of them have been examined four or five times and each time they have got something new to narrate. Some of them have given evidence by writing letters. It would have been better if Dr.Sampathkumaran had been allowed to cross examine these witnesses in order to test their veracity. It is a quasi-judicial enquiry more or less and in all fairness to the persons whose conduct was in question, I think a more rigid procedure ought to have been adopted. It would also have been better if Dr.Sampathkumaran had been asked to give his explanation on each specific allegation and asked what he had to say about the charges against him at the close of the enquiry.

74 According to the evidence of Mr.S.K.Narasimha Murthy, there was malpractice at the time of the Botany Honours Examination and he himself was the prime mover. He admits of having given tips to the students. For these malpractices he is to be blamed and according to his own statement, Dr.Sampathkumaran is not responsible for these malpractices. It is unfortunate that Dr.Sampathkumaran did not make proper arrangements at the time of the practical examination and that is perhaps he trusted too much his subordinates who have let him down. All his assistants including Vyasaraja Rao, M.A.Sampathkumaran, Basheer Ahmed, Jayaram Reddy and others joined together in an adjoining room and this seems to have given them some good occasion to play mischief behind the back of the professor. S.K. Narasimha Murthy gives his reason as to why he

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he rendered help at the practical examination. He was particularly interested in one student N.K.Anantanarayana Iyer and wanted to help him. So at the time of the practical examination, this Anantanarayana Iyer made bold to ask him about the name of a certain specimen and he could not resist the temptation of helping the candidate. And then he began to cast similar hints to other candidates also. From his confession statement it is clear that it is clear that Dr.Sampathkumaran was not aware of this malpractice as can be made out by the following questions and answers in his confession statement.-

75 "A few days later Dr.M.A.Sampathkumaran met me one day when this conversation took place.-"

Question:- Is it true that you gave one of the tips during the practical examination to Mr.Khaleel Ahmed because he came to my house and told me so?

Answer:- Yes Sir I did so.

Question:- Why did you not tell me before?

Answer:- Because I had given such tips to all and I was uniform. So I did not tell you.

76. The following facts have to be noted regarding Mr.Narasimha Murthy:-

He was first examined by the Registrar on 30-5-1941 and subsequently on 28-7-1941 by the Vice Chancellor and on both these occasions he has denied the existence of any malpractice and has stated that it was not possible to assist any candidate. On 9-8-1941 he goes to the Vice Chancellor and makes a confessional statement and admits that he gave a tip in the form "may be or may not be" to Anantanarayana Iyer and others. He has given the following reasons for making this confessional statement. He says that on the first two

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occasions he did not give out the truth because Dr.Sampathkumaran asked him not to do so. But this time he says he came out with the truth because of the following reasons:-

17 That his wife gave him courage and he thought that Mr.Jagapathy Naidu knew. "I thought that Jagapathy Naidu evidently cast hints there is something about the practical examination.' I thought Mr.Jagapathy wanted to insinuate me and my work in the examination. My wife's advice and the feeling that Mr.Jagapathy Naidu knew about my work in the examination hall and finally the incident of Mr.Balaiya all these have compelled me to go and make the confession and I felt every day that I must tell the truth." Accordingly he goes before the Vice Chancellor and confesses and soon after that he goes and mentions the fact of his confession to K.Seshagiriya, Rangasamy, Cowsik and goes to Dr.Sampathkumaran himself and confesses again to him. Then he goes with his father to Dr.B.Sanjiva Rao who refused to see him and finally goes to the Vice Chancellor. From that time he has something more to tell every time so much so this witness has given evidence eight times and has come forward with his truth by instalments. On 19-8-1941 he says that Dr.Sampathkumaran asked him to say nothing that happened and asked him not to tell the truth. He says that he did not tell the truth previously because of the professor. On 20-8-41 he speaks of a cut Alwar had and that Alwar's boast of the illicit help and of Cowsik's version and also mentions about the help given by M.A.Sampathkumaran,(nephew of Dr.Sampathkumaran) by

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sending slides and slips of paper through the servant. Again on 21-8-1941 he writes a letter to the Vice Chancellor making certain other allegations. On 28-8-1941 he writes a letter to the Vice Chancellor impeaching Dr.Sampathkumaran of his bias to help Sharma for freeship in preference to Bhaktavatsala Naidu and also of the help from Cowsik of manipulation in the inter leaves of the drawing book. So according to Mr.S.K.Narasimha Murthy there was malpractice at the examination in the form of giving tips to the students though the students themselves deny such help being given.

78 There is also the evidence of Jayaram Reddy that M.A.Sampathkumaran (nephew of Dr.Sampathkumaran) was giving help inside presumably to Alwar by cutting sections and sending in slips. The refusal of M.A. Sampathkumaran to submit for examination confirms this. It is imporper on the part of Dr.Sampathkumaran to have allowed M.A.Sampathkumaran, his nephew, and others in the vicinity of the examination hall, which gave them a chance to play this mischief.

79 It is rather difficult to give any opinion on every allegation made by Mr.S.K.Narasimha Murthy. Of course in a court of law the evidence of Mr.Narasimha Murthy will not be believed in the least though the statements may throw a lot of suspicion. One curious thing about him is that having failed to come out with the truth in the beginning subsequently he has begun to make various allegations and at each examination he has some new allegations to make. Regarding this man one thing is certain that he has become very nervous

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It looks he was afraid of somebody. After he made his confession statement he thought that a very severe view would be taken of his conduct and is under the impression that the more truth he told the more secure would be his place and the greater the chances of his escaping from punishment.

80 It is irregular that the marks list is not preserved by the Professor. According to his statement, he says that he sent it to the office but it is not traceable. It is also to be admitted that proper arrangement was not made at the time of the practical examination. Dr.Sampathkumaran says in his statement that he made proper arrangements and is of opinion that such malpractices could not have happened. There is also evidence that he sent for K.Seshagiriya, Rangaswamy and Narasimha Murthy to depose in a certain form. Dr.Sampathkumaran says that he merely asked them to write out what they had to say and show him before deposing before the Vice Chancellor. This is really foolish of him.

81 I am constrained to notice the lack of a sense of duty on the part of the persons comprising the staff of the Botany Department. From the evidence it is obvious that most of them knew of the malpractices at the time of the examination but not one of them brought it to the notice of the authorities. It was only after they were cornered that each of them narrates what happened four months ago and comes forward with a belated statement.

82 It is also very unfortunate that this episode has given rise to a heated controversy between the Vice Chancellor and Mr.P.Mahadeviah. It has created

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an unhealthy atmosphere in the University Council. Every meeting of the University Council seems to have become a stormy one.

83 The proceedings of the University Council are confidential. But extracts from the proceedings are found to be published in local papers. These must have been got ~~access to~~ from persons connected with the University Council. All this unhealthy controversy may be attributed to the indiscretion of the Vice Chancellor The Vice Chancellor first asked the help of some members of the University Council for holding the enquiry and it is admitted that Messrs. P. Mahadeviah, McAlpine and Laxminaranappa were appointed by the University Council to assist him. It is immeterial whether they were appointed as associates or as members of the Committee. Dr. Sampathkumaran's objection for their presence at the time of the enquiry may be or may not be justified. But the Vice Chancellor was indiscr~~ete~~eet in having proceeded with the enquiry immediately overlooking the University Council resolution passed previously. If he felt that he could not possibly give effect to the resolution of the University Council, it was his duty to place the matter again before the University Council and obtained their opinion before proceeding with the enquiry. The fact that the Vice Chancellor overlooked the previous Council resolution and elected to proceed with the enquiry without placing the matter before the University Council has given rise to these bitter feelings in the minds of Mr. Mahadeviah and others who feel that the Vice Chancellor has insulted them by this act. This act of the Vice Chancellor has provoked Mr. Mahadeviah

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to write long letters to the Vice Chancellor challenging his bona fides. This side issue has made this case more sensational and the net result is that the prestige of the University has gone down very much.

84 All these facts may be taken into consideration and what action has to be taken against the various persons concerned in this case, may be discussed at a meeting of the Council of Ministers.

OFFICE OF THE MINISTER FOR EDUCATION
Date 4.12.31
No. 3117 4766

85 Dewan, JMJ 3.12.41

86. May be submitted to the Dewan on his return
TEQ 6.12.41

87. May be discussed in Council at the next meeting.
TEQ 25/12/41

CB (Supply) Circulate.
MR
Not treated as Secret Cipher.
Circulation given to Ministers.
CB 28/12

(3)

STRICTLY CONFIDENTIAL.

For Disposal at a meeting.

No. C. 555

of 1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

88 Action to be taken in connection with the report regarding malpractices in the conduct of the Botany (Honours) Examination, 1941.

Circulated to the Council of Ministers.

By Order,

Chief Secretary to Government.

26th December 1941.

3900 / 17.1.42 Minister for Finance and Revenue. (absent on leave but file has been finalised) K.C. 17.1.42

Minister for Law.

Minister for Education.

42555 / 10.1.42 Minister for Local Self-Government and Public Health. 16.1.42

(3)

Subject. -

Action to be taken in connection with the report re: malpractices in the conduct of the Botany (Hons:) Examination - 1941.

Instructions in
~~OPINION OF THE~~ COUNCIL.

~~Definite charges may be framed~~

89. In respect of the charges framed against Dr Sampath Kumaran, the Vice-Chancellor (University) may be asked to obtain and submit the Explanation of the officer. The Explanation should be sought within a fortnight.

17.1.42

General Secretary,
with compliments)

17.1.42

19/1/42

90. Draft put up for appr before issue -

Edn Minister)

23/1/42

91

23.1.42

23/1/42

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92. Dr. Sampathkumaran has submitted his explanation on the several omissions and irregularities referred to in this office letter dated 23rd January 1942. It is briefly summarised below with comments, wherever necessary.

93. (1) Why he did not intimate to the University, of his son appearing for the examination.

Dr. Sampathkumaran states that there was no rule or convention in the Mysore University that an examiner should report to the authorities if any of his relations was appearing for any examination in which he was an examiner. He has quoted some instances in which Professors have been examiners in subjects in which their near relatives have been examinees. It may be true that there is no rule or convention in the University in this respect and that some Professors have been examiners in the past when their relatives have been examinees. But this is no defence for an objectionable practice. Ordinary prudence should have dictated that Dr. Sampathkumaran who was an examiner & also the chairman of the Board of Examiners should have intimated to the University that his son was an examinee. Dr. Sampathkumaran mentions that the Vice-Chancellor had permitted Professor Venkatesachar to be an examiner in the previous year though his son was an examinee. The Vice-Chancellor has denied this and has explained the circumstances under which he came to

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know of this fact and has further stated that Professor Teland agreed to see that Professor Venkatesachar had nothing to do with the Honours Examination of that year. It is not, however, indicated whether this was actually given effect to.

2. Production of Library Note Books by Alwar Iyengar

Dr. Sampathkumaran denies having asked his son to produce any books of others, and states that as mere copying has a certain educative value, he allowed the practice to continue but gradually reduced the number of marks allowed to this work, as copying from standard Text Books of select passages is essential and students cannot in many cases improve upon the language of the authors and as they cannot also afford to purchase special books. He admits that his son produced the note books of Bhaktavatsala Naidu before him to illustrate the fact that Library work was not of much importance as it mainly consisted of passages copied from text books or from the notes of other students, who had themselves copied from standard text books. If Alwar Iyengar did not care to produce any Library Books in the first instance when he was required to do so, there was no reason why the Professor should have sent for him and questioned him about the non-production of the books. Further, in his evidence before the Vice-Chancellor, Dr. Sampathkumaran has specifically deposed that he instructed his son to

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take his Library note books as well as of others he had with him to Mr. Seshagiriah. He has made a definite assertion to the effect that he did advise the student to submit the two sets of books and explain the nature of the notes the other student had made. Whatever might be the intention in giving such advice, there is the clear admission by Dr. Sampathkumaran himself that the Library note books of Bhaktavatsalam Naidu were taken to Mr. Seshagiriah by Alwar Iyengar with his instructions and full knowledge. If it is his definite opinion that copying is essential and has an educative value of its own, it is not clear why he should have instructed his son to explain to Mr. Seshagiriah the nature of the Library work written by others and why he should have reduced the number of marks allotted for this work. Copying of certain extracts may be necessary but Library work will be worthless if it should consist entirely of such copying. Neither the Professor nor the Assistant examiners were in need of being told by a student, what kind of notes had been made by others and of what little value such work was. The explanation offered for not discouraging such practice of wholesale copying is not convincing.

3. Non-production of marks list given by Assistant Examiners.

95 The tenor of Dr. Sampathkumaran's explanation

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is that the Assistant Examiners had been detailed to do the preliminary valuation, and that as he was responsible for the final valuation as Professor and Examiner, there was no need to preserve the preliminary marks list after he had once scrutinised the same and made the final valuation. He has further stated that Mr. Seshagiriah valued the note books with a view to learn to appraise the relative merits of the records of candidates, which amounts to saying that it was intended to serve only as a kind of training to the juniors in the work of valuation. This ingenious explanation has been offered now for the first time and indicates how light-heartedly the valuation work was viewed by him. In the assessment of class work for the final examination of an Honours Degree, there can be no such thing as preliminary and final valuation and that by different persons. If what Dr. Sampathkumaran has stated is true, it only shows that he had made this arrangement only with a view to make his work easy. The Assistant Examiners do not finally admit that any redistribution of marks was made or any specific number of marks was given to Alwar Iyengar for the Library Notes. Mr. Seshagiriah has further stated that Dr. Sampathkumaran had tutored him to say that he did not give zero but to say only that he did not award any marks to that part of the work. Whether the valuation by the Assistant Examiners was preliminary or final, a copy of the marks list should

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have been maintained to show the basis on which the marks were given to the class records. If the list was not preserved, it is not understood how Dr. Sampathkumaran told the Vice-Chancellor that a copy of the marks list was available, vide his D.O. letter dated 10th July 1941. The marks list furnished by the Assistant Examiners, if only it was available, would have given an indication as to the extent to which the class marks were ~~raised~~ revised. This has an important bearing in view of the circumstanc that Alwar Iyengar got first class marks by a narrow margin of seven.

96 As regards the delay in the submission of the Library Note Books, Dr. Sampathkumaran states that these note books were submitted on demand and with the least practicable delay. He now makes out that only the ~~library~~ laboratory records were called for in the first instance, and makes a subtle and convenient distinction between the laboratory records and the Library notes. Though both of these form class records, it is not clear why he should differentiate between them. The Vice-Chancellor is definite that all the class records including Library notes were called for from the beginning, and observes that Dr. Sampathkumaran is not right in saying that he and the Registrar did not ask for the Library note books. Dr. Sampathkumaran has admitted in his evidence during the enquiry that he had all the library note

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books of his son with him when the Registrar spoke to him on 28th June 1941 and asked for the class marks records. He has also admitted that the Vice-Chancellor asked him on 2nd June 1941 to collect all the drawings and note books. If that be so, why he did not hand over the library note books to the Registrar on 28th June 1941 is not clear. But in his letter dated 18th July 1941 to the Vice-Chanellor, Dr. Sampathkumaran has stated that the note books of his son were always in his son's possession. This discrepancy has not been explained. In his explanation he refers to some telephone conversations in this respect and quotes them verbatim but the Vice-Chancellor cannot vouchsafe for their accuracy as they were not confirmed in writing. Even if these conversations were true, it is not imaginable why Dr. Sampathkumaran has kept a record of them in writing, without the knowledge of the Vice-Chancellor. They are of no value when the Vice-Chancellor cannot vouchsafe for them or accept them as correct. The Vice-Chancellor has made the following observations in regard to this :-- "It is also a point for notice that one who claims, as he does on page 12, (of his explanation) to be "only a witness and not a person whose conduct was under enquiry" should have taken this precaution of noting down the conversations he had with me from time to time, unless he felt that his conduct was or would be under enquiry and therefore, was anxious to accumulate materials which might come in handy when he would have to defend himself."

Hg K

Hg J.

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That there was considerable delay in the production of note books is a fact that cannot be ignored and this does naturally give room for a suspicion that it was delayed with some ostensible purpose.

Arrangements regarding the Pratical Examination.

97 Dr. Sampathkumaran states that he had made the usual arrangements for the conduct of the practical examination in accordance with practice and rules and that he was always present in the examination hall. Such an explanation is only to be expected, though it cannot be reconciled with the evidence of so many witnesses given at the time of enquiry. If at no time, both the examiners were absent, there would not have been scope for the alleged irregularities, during the examination hours. Dr. Sampathkumaran states that it will be seen from the sketch enclosed by him that there was absolutely no chance for any outside help reaching the candidate. The evidence is that the help was sent to the examination hall by interested persons remaining in the Herbarium or M.Sc. room through peons who were in attendance in the examination hall. From the sketch it will be seen that it is easy for the peons to go to the Herbarium room and return to the hall through the passag in the Library. The evidence adduced in this respect is discussed in paras 40 to 42 of the notes. It shows that the arrangements made were neither effective nor

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efficient.

Appointment of Narasimha Murthy to assist in the practical examination and delay in paying him the remuneration.

98 Dr. Sampathkumaran admits that the appointment of Mr. Narasimha Murthy to assist him in the practical examination without previously obtaining the approval of the University is a departure from the usual practice and states that he had to do so in unavoidable circumstances, as Mr. Rangaswamy who had been suggested as the Assistant suddenly took ill before the examination. He also admits that he should have written to the University and regularised the procedure but pleads that he did not do so as he was busy with the University Training Corps work. The pressure of work would not be a sufficient excuse for not making a reference to the University for months together, to regularise the arrangements. As regards the delay in paying remuneration to Mr. Narasimha Murthy, Dr. Sampathkumaran explains that his remuneration bill was cashed by the Bank on 12th August 1941, and that he issued a cheque to him on 27th August 1941 and the short delay was due to the fact that he was considerably upset by the so called uncorroborated confessional statement given by Mr. Narasimha Murthy on 9th August. The reason given above is not convincing as there could be no connection between the two. The payment was made, after a

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a specific question was put to him during the enquiry.

Influencing the subordinates and tutoring them as to what evidence they should give.

99 Dr. Sampathkumaran asserts that he never attempted either to influence the subordinates or to tutor them as to what evidence they should give and that he scrupulously refrained from discussing the subject with them and that Mr. Seshagiriah and Mr. Narasimha Murthy might have given false evidence against him, probably on account of some grievance they had against him. He believes that some stringent remarks which he had made on a paper set by Mr. Seshagiriah for publication in a journal of the Indian Botanical Society might have upset the latter and roused in him a hostile attitude towards him. Copies of correspondence between Professor M.O.P. Iyengar, Manager, Journal of the Indian Botanical Society, Dr. Sampathkumaran and Seshagiriah are sent for perusal in this connection. As regards Mr. Narasimha Murthy, Dr. Sampathkumaran has nothing specific to say except that he may probably have a grievance of an official nature against him, thinking that he was responsible for Mr. Seshagiriah and Mr. Rangaswamy superceding him. If it is really true that both Messrs. Seshagiriah and Narasimha Murthy had reason to be hostile to Dr. Sampathkumaran, it is not clear how he took them into his confidence and appointed

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them as his assistants. That they had no ill-will against him is clear from the fact that they did not volunteer in the first instance to give any evidence against him. It is unbelievable that they could have concocted the evidence in such a detailed manner as has been given during their enquiry. Dr. Srinath against whom Dr. Sampathkumaran has nothing to say has stated that the Professor sent for him and warned him not to talk about the incident in the Intermediate Coll College and even said to this effect "we rounded off this time and everything will be alright". Mr. Jaya-rama Reddi has also spoken of the malpractices that occurred and there is no reason why he should depose as he has done. The Vice-Chancellor states that he can say definitely that none of these (Mr. Seshagiriah, Jayaram Reddy, Narasimha Murthy) at any time appeared anxious or even willing to submit any evidence hostile to the Professor, that it was only when the examination made it necessary for them to come out with facts that they did so, that Mr. Narasimha Murthy did volunteer information but his good faith is supported by the fact that immediately he made the confession he proceeded to the Professor to tell him what he had done, and that it is very improbable that a perjuror would do so. In spite of the explanation given by Dr. Sampathkumaran there is no reason why the statements of so many persons

page 131 of the evidence

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should be disbelieved.

His conduct during the course of enquiry.

100 Dr. Sampathkumaran sincerely regrets if he had exhibited any temper and states that his conduct was the result of strain he was under, due to a protracted and endless enquiry and that the loss of temper was purely psychological and not deliberate. This is not sufficient reason for him to have lost his temper and made observations of a defamatory character against his subordinates who gave evidence during the enquiry. He has not explained why he made serious insinuations against the Vice-Chancellor and the members of the University Council in regard to the methods alleged to have been adopted by them to get the evidence, beyond saying that he had the most profound respect for authority and decorum.

Alwar Iyengar's performance in Theory Papers.

101 Dr. Sampathkumaran explains that his son failed in the Inter Examination only in English, that there are instances of boys who have failed more than once in the Inter Examination getting I class in Honours Examination that his son was always a good second class student, that there are instances of students getting second class marks in class examination in pulling up to first class in the final examination, that it is common knowledge that students generally study very carefully the questior

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papers of previous years and prepare answers to such questions as are likely to recur, that students concentrate in answering such questions exhaustively, if such questions should appear, spending most of their time, and consequently answers to other questions will be of a lower standard, that his son had given prolific references to authors and previous work in certain of his answers for the obvious reason that he had full access to his personal library, that on his word of honour he would say, he had not revealed any questions to him and that if he had any such intention, he could have given out all the questions and loaded marks in all the class examinations. As regards the last observation, it may be stated that no ~~xxxxxxxxxxx~~ sensible man would ever think of leaking out all questions and answers to them as the performance of the candidate would be so extraordinary as to attract attention and give scope for the greatest suspicion. What is not clear from the explanation is how a student of Alwar Iyengar's capacity, who secured only an ordinary pass in S.S.L.C. and an ordinary pass in Inter after having failed once and who got also ordinary marks in the class examination, which presumably reveal that he did not speculate or guess the probable questions in those examinations and prepare answers for them, should have developed his power of intuition at the time of the final Honours examination

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and somehow correctly guessed some of the questions that might appear, not in one paper but in all papers and prepare answers to them so exhaustively. The other students of the class have better performance to their credit at the class examination, and it is surprising that none of them should have guessed the probable questions that might appear and prepare for them in so thorough a manner as Alwar Iyengar. It is only Alwar Iyengar's papers that attracted the special attention of Dr. Koshy, whose observations in this respect are extracted in para 24 of the notes. Except referring to to certain points in the explanation, the Vice-Chancellor does not specifically offer any remarks on each of the items but has contented himself by saying that he has dealt with the contentions of Dr. Sampathkumaran either in the examination of the Professor or in his report.

102. Dr. Sampathkumaran seems to have insisted during the enquiry that the outside examiners who were associated with him in the Practical Examination should be examined. The Vice-Chancellor did not accept the suggestion as he did not consider it necessary or expedient that the episodes connected with the examination should attract the notice of outsiders and as he did not feel that they could give any information which could be of service. Dr. Sampathkumaran has sent a copy of letter from Professor Sabhesan of the Christian College, wherein the

NOTE—Cont. Sheet.

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latter has stated that it was his duty to make it plain that there was nothing in the conduct of the examination to which any objection can possibly be taken. What was the occasion for Professor Sabhesan to write such a letter and whether it was voluntary or in reply to Dr. Sampathkumaran's letter is not clear. If it was the latter, copy of Dr. Sampathkumaran's letter should have also been sent. In case Dr. Sampathkumaran has written to Professor Sabhesan re: the allegations made with regard to the examination, I am not sure whether it was proper on his part to have done so. The criticisms made as regards the xxxxxx conduct of the practical examination apply partly also to Professor Sabhesan as joint examiner and it is to his interest to say that nothing untoward happened in the xx course of the examination. He cannot by any means be called a disinterested person to whose evidence, if he had been sent for and examined, much weight could be attached.

Edn Minister) 23/2/42

103 The explanation of Dr M.A.S. may be circulated among the members and the matter be considered in Council at the next meeting.

Dewan 25.2.42

27/2/42

Chief Sec with compliments 27/2

27/2

27/2

Circulation Memo to Sec. 27/2

Sec 27/2

For Disposal at a meeting.

No. C. 745

of 1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

105 Explanation of Dr. M.A. Sampathkumaran, Professor of Botany, in connection with the enquiry into the conduct of the Botany Honors Examination of 1941.

Circulated to the Council of Ministers.

By Order,

27th February 1942.

Chief Secretary to Government.

Minister for Finance and Revenue. 2-3

Minister for Law. 3.3-42

Minister for Education.

Minister for Local Self-Government and Public Health. 4.3.42

For perusal.

4/3

Extract from the Proceedings of the 15th *Meeting of the Council of Ministers held at Bangalore on* 5th & 6th March 1942

7. Subject. -

Explanation of Dr. M.A.Sampathkumaran, Professor of Botany in connection with the enquiry into the conduct of the Botany Honours Examination of 1941.

OPINION OF THE COUNCIL.

106 Dr. M. A. Sampathkumaran may be retired and his pension reduced by Rupees Fifty for two years.

107 Note.-

(i) The Standing Orders for enquiry into the conduct of Public Servants should be followed as far as possible by the University in cases concerning the members of the University staff.

(ii) The University may be requested to examine the arrangements for the conduct of examinations and take steps to prevent the recurrence of such irregularities as have come to light in this and other similar cases.

...

(Signed) N. MADHAVA RAU,

DEWAN OF MYSORE.

108 General Secretary with compliments.

109 D.F.N for appr. (Dy minister)

110 F.N. placed below.

"EXTRACT"

Chief Secretary to Government.

111 D.S.N. submitted (Dewan)

Final Note by the Minister for Education.

Subject.—113

Explanation of Dr.M.A.Sampathkumaran, Professor of Botany in connection with the enquiry into the conduct of the Botany Honours Examination of 1941.

114 When the results of the B.Sc.(Hons.) Examination of 1941 in Botany were under scrutiny by the University authorities, it was noticed that M.A.Alwar Iyengar, candidate for the said examination bearing No.163, who is the son of Dr.Sampathkumaran, Professor of Botany, had secured first class marks. This aroused reasonable suspicion as the student was of average ability, having secured only an ordinary class in S.S.L.C. Examination and third class in Intermediate Examination, after having failed once. His result was withheld and after consideration of all the circumstances of the case, the University Council decided ultimately that an enquiry should be instituted as regards the conduct of the examination to find out if there were any irregularities or malpractices in respect of the same.

115 The Vice-Chancellor has conducted an elaborate enquiry and submitted the connected records together with the findings of the University Council.

116 The main irregularities in the conduct of the examination as gathered from the enquiry, are briefly as follows:-

117 Though Dr.Sampathkumaran was the Chief Examiner and had to evaluate most of the papers, both in theory and practical, he did not intimate to the University that his son was an examinee and obtain instructions in the matter.

118 In the examination, 100 marks were allotted for the class records which include Library note books also. All the candidates had to submit their Library note books for the purpose of valuation. Candidate Alwar Iyengar produced before the Assistant Professor Mr.K.N.Seshagiriah, who was also an Assistant Examiner, not only four note books written by himself but also eight note books of a second

year Honours student, by name Bhaktavatsalam Naidu, which were covered with wrappers on which the name of Alwar Iyengar was written. When Mr.Seshagiriah who valued the note books questioned Alwar Iyengar, the latter is stated to have said at first that all the books were his, but later when the wrappers were removed and the name of the actual owner which was written on the note books was shown to him, he began to give unsatisfactory explanations. During the enquiry, Alwar Iyengar has stated that he produced the books of Bhaktavatsalam Naidu just to show how the library notes were merely copied from text books and why much value and importance could not be attached to the same, and that he wrote his name on the wrappers of the note books so that the books may be returned only to him and not to any other. Mr.Seshagiriah did not award any marks for the Library note books produced by Alwar Iyengar. Mr.Rangaswami, Lecturer, had also been asked to assist Mr.Seshagiriah in the valuation. He concurred with the latter's valutation and put his signature to the marks list. The marks list signed by both of them was sent to the Professor (Dr.Sampathkumaran), who it is alleged revised the valuation and gave the student a few marks for the note books actually written by him, after lowering the maximum for the Library notes from 15 to 10. The marks list sent by the Assistant Examiners was not produced by Dr.Sampathkumaran at the time of enquiry. It is evident that the candidate produced note books written by another student with the knowledge of Dr.Sampathkumaran and the explanation offered for doing so is not at all convincing. The marks list furnished by the Assistant Examiners, if only it was available, would have given an indication as to the extent to which the class marks were revised by Dr.Sampathkumaran. This has an important bearing in view of the circumstance that Alwar Iyengar got first class marks by a narrow margin of seven. Even in the production of the Library note books there was considerable delay. The books were not produced till as late as 16th July 1941, though they were called for early in the month of June.

119 It is gathered from the evidence that during the practical examination, Alwar Iyengar got illicit help from Mr.S.K.Narasimha Murthy, Lecturer, who was entrusted with preparation work and who was in the examination hall on all the three days of the practical examination. Mr.Narasimha Murthy was appointed to assist in this work without the previous approval of the University. One Mr.Sampathkumaran (Nephew of Dr.Sampathkumaran) is stated to have been present in an adjoining room and identified some slides that had been given to the students for identification and communicated the result through slips of paper, carried by a peon who was in attendance in the examination hall. He is also stated to have taken out sections of two bits of materials with a razor on the second or third day and sent them inside the examination hall through the peons. This person (nephew of Dr.Sampathkumaran) had no particular work in the Botany Department at that time and there was no reason why he should have been in the room adjoining the examination hall, identifying the specimens and the slides, except to give help to a candidate in the examination hall which could be no other than his relative Alwar Iyengar. There is evidence to show that Alwar Iyengar had cut his finger badly and that this prevented him from attending to section work. If in spite of this, he has secured the highest marks on that particular day in practical work, there is strong reason to believe that the section cutting done by Mr.Sampathkumaran and sent to the examination hall was for the benefit of Alwar Iyengar. It is stated that these malpractices were rendered possible owing to the absence of both the examiners from the examination hall or at any rate, by the slackness of supervision and lack of efficient arrangements.

120 The answer books in theory papers of all the candidates who sat for the B.Sc.Honours Botany Examination were sent for scrutiny to a referee, Mr.Koshi of the Travancore University. Mr.Koshi has observed that, while the majority of the candidates have maintained a uniform standard in the answers to the several questions of each paper, the answers of Alwar Iyengar varied widely in regard to the quality and standard, and that in each answer paper the answers to the first two

or three questions were definitely of a higher standard with prolific references to authors and previous work than those attempted subsequently, which were lacking in such references. This feature was stated to be peculiar only to Alwar Iyengar's answer books. Mr.Koshi has further stated that this may be due to the candidate having prepared well for some expected or probable questions but how far it could have been due to previous information of some of the questions it was not easy to say. The fact that among all the candidates it is only Alwar Iyengar that has been able to guess certain questions and to prepare thorough answers for the same gives scope to a reasonable suspicion, verging on a high degree of certainty that he should have previous information of these questions, and that could be from no other source except his father Dr.Sampathkumaran, the Chief Examiner, who was naturally interested in him.

12 There is evidence to show that Dr.Sampathkumaran influenced the members of the staff and tutored them as to what evidence they should give at the enquiry. Mr.Narasimha Murthy has stated that Dr.Sampathkumaran had sent word to him through Mr.Seshagiriah two days before his examination to "be prepared" and he wrote out a panel of questions and answers and took it to Dr.Sampathkumaran's house when further instructions were given. Mr.Seshagiriah has corroborated this and further stated that Dr.M.A.Sampathkumaran told him as follows:-

"On Monday the Vice-Chancellor may send for you and ask questions. If he puts any questions about note books, you please say that Alwar Iyengar submitted Bhaktavatsalam Naidu's books not with a view to presenting them but with a view to show how library records are made up". In fact Dr.Sampathkumaran is stated to have dictated to Mr.Seshagiriah as to what he had to say before the Vice-Chancellor during the enquiry. According to Dr.Srinath, one of the lecturers, Dr.Sampathkumaran is stated to have said "We rounded off this time and everything will be all right". From these statements it is clear that Dr.M.A.Sampathkumaran tried to influence his subordinates and to tamper with their evidence. Such conduct on the part of a Professor is open to grave objection.

122 The conduct of Dr.Sampathkumaran on the last day of his examination at the enquiry is highly reprehensible, not being worthy of an officer of his standing and position. He was not self-restrained and temperate in his statements and language and has made observations of a defamatory character in regard to his subordinates who gave evidence during the enquiry. He has also made serious insinuations about the methods alleged to have been adopted to get at the evidence. His behaviour towards the Vice-Chancellor was, to say the least, unbecoming and his attitude towards the members of the University Council objectionable.

123 The elaborate evidence recorded during the enquiry has been discussed at length in paras 23 to 63 and 65 to 84 of the notes.

124 As regards Alwar Iyengar, the University Council held that he presented the Library records of another student (Bhaktavatsala Naidu) as his own and that he got illicit help from Mr.Narasimha Murthy and Mr.Sampathkumaran (nephew of Dr.Sampathkumaran) in the practical examination, and on this score decided that his results in the 1941 examination be cancelled and that he be debarred from the University Examination of 1942.

125 The University Council have given the following findings by a majority in regard to Dr.Sampathkumaran's conduct:-

(1) that they are not satisfied with maintenance of record of marks for class work;

(2) that they are not satisfied with his procedure in putting Mr.Narasimha Murthy to assist in the practical examination;

(3) that they are not satisfied with his attitude towards the University Council and the Vice-Chancellor and

(4) that they are convinced that he interfered with the evidence of his subordinates before the Vice-Chancellor.

126 After giving such findings, what disciplinary action was necessary to be taken against Dr.Sampathkumaran was not specified by the University Council.

127 A list of important omissions and irregularities on the part of Dr.Sampathkumaran was prepared (Vide Flag Q) and his explanation called for on the several points categorically. The explanation received from him together with the remarks of the Vice-Chancellor is placed in the file. Further comments have been made on the explanation, wherever it was necessary, in paras 93 to 102 of the notes.

128 From the evidence it is clear that Dr.Sampathkumaran allowed his son to submit the Library note books of another student to the Assistant Examiner with his full knowledge, that he did not make efficient and satisfactory arrangements for the conduct of the practical examination, that his supervision as Chief Examiner was slack and ineffective, that he influenced his subordinates and tutored them as to what evidence they should give at the enquiry and that his conduct on the last day of his examination before the Vice-Chancellor was objectionable and not becoming of an officer of his standing and position. The manner in which his son has answered some of the questions in the theory papers has given scope for a reasonable suspicion of leakage through him. The abnormal delay in obtaining and producing the library records and the omission to produce the marks list sent by the Assistant Examiners in regard to class work, give room for an adverse inference against the Professor. Though there may be no rule or convention that he should have intimated to the University that his son was an examinee, ordinary prudence should have dictated that he should do so, especially as he was the Chief Examiner and was likely to value most of the papers.

129 The matter was discussed in detail at the meeting of the Council of Ministers and it was resolved that Dr.Sampathkumaran may be retired and his pension be reduced by Rupees fifty per mensem for two years. In the ordinary course, Dr.Sampathkumaran would have superannuated on 15th July 1942. Gracious sanction of His Highness is solicited to the resolution of the Council.

13 The University will be requested to examine the arrangements for the conduct of examinations and take steps to prevent the recurrence of such irregularities as have come to light in this and other similar cases.

Camp Anjanapur,
16th March 1942.

MINISTER FOR EDUCATION.

Submitted to His Highness.

13 I submit herewith a Final Note by the Minister for Education regarding the action proposed to be taken against Dr. M.A. Sampathkumaran, Professor of Botany, for the omissions and irregularities in connection with the conduct of the Botany Honours Examination of 1941 and the enquiry held thereafter, for His Highness's gracious sanction.

N Madhava Rao

DEWAN.

Bangalore,
Dated 19th March 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

No. 755
20.3.42

Subject.

13

Action to be taken against Dr. M.A.Sampathkumaran, Professor of Botany, for the omissions and irregularities in connection with the conduct of the Botany Honours Examination of 1941-

No. 755

Order.

133

28/3/42.

134

30/3/42

General and Revenue

Secretariat.

C745

SUBJECT:—

135 Action to be taken against Dr. M.A. Sampathkumaran, Professor of Botany, for the omissions and irregularities in connection with the conduct of the Botany Honours Examination of 1941.

136

Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

31/3

Chief Secretary to Government.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or ndications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Through the Secretary to Government,

137 General Department.

31/3

138

Minister for Finance and Revenue. 31.3.42

139

Minister for Law. 31-3-42

140

Minister for Education. 31.3.42

141

Minister for Local Self-Govt. and Public Health. 2.4.42

142 General Secy. (with compliments)

NOTE.—Contn. sheet 143

Draft G.O. put up for consideration

144 (Secy. General) 6/4. 6/4/42 7/4

WD 06360—GPB—500—23-3-42

Serial No.

145

Govt. order dt 8th April 42 directing the retirement of Dr. M. A. Sampath-Kumaran, Prof. of Botany, and ordering that his pension be reduced by Rs. 50 p.m. for two years.—

146 Three copies of the G.O. are put up for communication to A.D. The connected file is sent in a sealed cover.

8/4 147 Mgle communicated

8/4/42

8/4

148 Dft & fair sub^d

8/4

H. com. 3015 / 8/4

149 8/4

Issued

No 3525-26 dated 8.4.42

Directs that Dr M. A. Sampathkumaran be retired & his pension reduced by Rs 50/- for two years.

NOTE—Cont. Sheet.

WD C4155—GPB—55,000—23-10-41

Re: Dr. M.A. Sampath Kumaran 3381/59

File No. of 194 . General and Revenue Secretariat

Serial No.

D.O. letter no. 996 dated 11.4.42 from the Vice-Chancellor addressed the Minister for Education suggesting a slight modification of certain sentence in the G.O. re: Dr M.A. Sampath Kumaran.

1/S orders of the Education Minister on the D.O.

"This may be done and the G.O. modified accordingly.

(Sd) J.H.S.
12/4/42

(Sd) J.H.S.
12/4

Submitted

1/S Draft of a G.O. is put up

Secy. (Sd) [illegible]
15/4/42

GENERAL SECRETARY
15 APR. 1942
6119
Recd. at 6 P.M.
[illegible]
15/4/42

G.O. No. 3652-55/C.S. 202-41-2
dated 16.4.42

Confd 15

Botany (Hons) Examination of 1941

General and Revenue Secretariat | File No. of 194 . | [App. F. III-2

Serial No.

153 orders have been passed as regards Dr. Sampathkumaran and cases or is for consideration whether suitable disciplinary action has now also to be taken against the other members of the staff who are involved in this case. Kind reference is invited to note in paras 58 to 61 for favour of orders.

(Genl Secy) 29.4.42

154 (Edn Minister) 29/4 29/4

155 The University Council regarding Prof. K. Varadhamachari, may be informed.

156 Re. Chakravarti, Raja Swamy & Cousin, there are no definite allegations against them and the University Council also has not recommended any action be taken against them. So no action is necessary against them.

2.5.42 5/5/42 5/5

OFFICE OF THE MINISTER FOR EDUCATION
Date 1-5-42
No. 5737

FINANCIAL SECRETARY
27 APR. 1942
6426

NOTE—Contn. Sheet

File No. 151 of 194

General and Revenue Secretariat

Serial No.

Draft G.O. ~~[illegible]~~ approving of the resolution of the University Council regarding the disciplinary action against Mr. S.K. Narasimha Reddy is put up for consideration

(Genl Secy)

8/5
11

15/8 Done
11/5/42

GENERAL SECRETARY
11 MAY 1942
6722

Edn. Minister is on leave

Signed.

E 4384-5/ Uni. 75-41-1 dated 13-5-42

To the Registrar of the University & Compounding during hour Mr. S.K. Narasimha Reddy be reduced from 150 Rs to 125 Rs & that he be disqualified from examinership for six years from 1943.

UNIVERSITY OF MYSORE

OFFICE OF THE MINISTER FOR EDUCATION
Date 1-8-41
No. 41

D.O.No.P.145.

MYSORE,
Camp: Bangalore,
Dated, 29th July '41 19

Dear Mr. Imam,

In sending herewith a copy of the proceedings of my enquiry on the 24th instant into the conduct of Botany Honours Examination episode of 1941, I desire to invite your reference to the early part of the proceedings in which Dr. M.A. Sampathkumaran desired that he should not be examined in the presence of or by the members of the University Council. I also enclose copies of correspondence between him and me on the subject. As I did not desire to postpone the enquiry any longer, I have been continuing my investigation by examining Dr. Sampathkumaran and the other members of the staff of the Botany Department. I request a ruling by Government whether I may invite the assistance of some of my colleagues of the University Council in making further enquiries. I propose to avail myself of the assistance of Messrs: Lakshminaranappa, Mahadevayya and McAlpine. In view of the objection taken by Dr.Sampathkumaran, I have informed the members of the University Council of the position and that I would make a reference to Government.

I expect to complete the examination of all the members of the staff today Copies of the proceedings have been sent to all the members of the University Council, so that they may be in a position to study the report which I propose to make, against the background of the evidence. I shall be drafting my report on Wednesday the 30th instant. I propose to make my report to the University Council, and copies of the report will be sent to them immediately. The report will be considered at the meeting of the University on the 9th proximo. If Government consider that Dr. Sampathkumaran's objection is not valid I shall suspend the drafting of my report, and ask my colleagues to be present when Dr. Sampathkumaran and his Assistants will be examined further in the light of the evidence already taken and a report prepared subsequently.

It will be noticed that Dr. Sampathkumaran in his letter of the 25th instant refers to a conversation between me and him on the telephone on the 28th June when in answer to his representation I am said to have suggested I would

The attention of the V.C. has been drawn to the rules 212 to 217 (in the Code of the Public Servants) of the General Rules & Standing Orders.
31-7-41

1/8/41

Issue D.O. Issue up-
1/8/41

ISSUED.

Submitted for perusal.
1/8/41

recommend to Government to appoint a Judge of the High Court to go into this matter. I have no recollection of this bit of conversation though it is - true on the 28th June I spoke to him on the phone about a number of things, in particular I asked for the class records of the students to be sent up as early as possible. As a matter of fact, subsequently on the 4th July, I - circulated to the members of the University Council a letter suggesting an enquiry by a Judge of the High Court. I do not remember if so early as 28th June I had come to any conclusion in the matter. As the members of the University Council on the whole were not in favour of this kind of enquiry, I proceeded to making the enquiry myself.

Yours sincerely,

M. S. Subbaraw

J. Mohamed Imam, Esq., B.A., B.L.,

Bangalore.

(15)

I, the undersigned, came to the Vice-Chancellor's house out of my own free-will and made the following confession about my part in the recent Botany Honours Practical Examination of 1941:

As I have already explained before the enquiry conducted by the Vice-Chancellor and the Registrar, I was asked to do the preparation work. During the course of doing this work on all the three days Mr.N.K.Ananthanarayana Iyer made bold to ask me one day what a particular specimen was. At that time the examiners were seated on chairs placed at the door-way of the room or so. I am not sure whether one was there or both were there. I, first, resisted the temptation of helping the candidate. During my next approach to him to pass a slide or give a specimen he put me the same question and I yielded to it and said that"If I knew the particular specimen I said it may be so and so thus hinting to the student that it was really that and at another time "it may not be" thus hinting to the student that it was not the thing he mentioned. The other student in the hall noticed this. Next Mr.Alwar wanted to take the hint from me and he put me the same question and I answered similarly. Then followed Messrs.Baliah, Khaleel Ahmed and Basalingappa who all got tips. Afterwards I cast a similar hint to Mr.Gopalakrishna, who did not actually show any anxiety on his part. So I do not know whether he made use of my hint or not. This act I did as I wanted to be uniform to all candidates so that no one might have a special benefit of my help. Such things repeated 2 or 3 times(because, I do not exactly remember) during the whole examination.

A few days later Dr.M.A.Sampathkumaran called me one day to the departmental garden when this conversation took place:-

Ques: Is it true that you gave one or two tips during practical examination to Mr.M Khaleel Ahmed because he came to my house and told me so.

Ans. Yes, Sir, I did no.

Ques. Why did you not tell me before.

Ans. Because I had given such tips to all and I was uniform. So I did not tell you.

Later, after some days, I drew his attention to this in the Principal's room when Prof.Sampathkumaran was the Principal-in-charge.

To go back, after the practical examination was over on the third day, when all the students perhaps excepting Mr.Alwar, ha gathered on the southern-wing of the Department. Mr.Ananthanaraya Iyer and others jointly said:

"We all are thankful to you for the help you gave us Sir"

I replied:

"Do'nt mention, please, after all I gave you 2 or 3 tips. Your work and merit was there."

In asking questions of the persons who appeared before me, and examining the available records, I have tried to get adequate and reliable data to answer the following questions:-

Was the Botany Honours Examination of 1941 conducted with full regard to the rules and proprieties that should regulate the conduct of University Examinations; or, was there in any respect a deviation from them, and if so, what were its nature and measure?

The possibility of such deviation arose from the fact that the son of the Chairman of the Board of Examiners was one of the candidates. This possibility gained colour from the fact that the said candidate who scored a first class was reported to be of average intellectual calibre, as was indicated by the fact that his performance in the Intermedicate Examination, class examinations, and the B.Sc., Honours preliminary was either average or not much above average, in any case not first class.

I did not make it my task to enquire at the outset, from the other end viz., whether there had been irregularities. The distinction may appear subtle, but I wanted to proceed on the assumption that a Professor of the standing of Dr. Sampathkumaran ought to be trusted to maintain the integrity of our examinations, and was not likely to be influenced by personal considerations.

The stages at which there might have been deviation from strict regard for rules and proprieties are the following:-

I. The submission and valuation of class records;
II. Preparation and scrutiny of question papers by the Board of Examiners and their despatch to the Registrar;
III. The valuation of the answer books; and
IV. The conduct of the Practical Examination.

I. Submission and valuation of class records:

Students in Botany and other science subjects are expected to maintain records of their work during the 3 years, and in the case of Botany the records fall into the following grounds:-

(a) records of work in the practical classes viz., drawings,
(b) herbarium specimens collected on excursions in the State and outside,
(c) slides prepared from time to time, and
(d) notes of work done in the library or with books borrowed from the library.

It has been ascertained that these records are valued only at the end of the 3rd year, some time before the University Examinations are held. It was stated that the drawings, the herbarium specimens, and the slides were examined from time to time, although no marks were given, nor was any indication given, on the inspected records that they had been inspected. It was said, however, that an indication of the drawings being inspected was drawings by the inspecting teacher to show the correct drawings to the student on the blank leaves between the drawing sheets. The library notes were inspected only once, at the end of the 3rd year when they were evaluated. Class records carry a maximum of 100 marks, and this used to be distributed in the proportion of 50 for drawings, 25 for herbarium specimens and slides, and 25 for library notes. Latterly the proportion allotted to library notes had been reduced from 25 to 15 and this year the professor had said it had been reduced to 10, while Messrs: Seshagiriah and Rangaswami stated that it was 15. There is no means of verifying this since the list furnished to the College office for transmission to the University gives only the total marks only for the complete maximum of 100.

The marks assigned in the case of each student separately to each kind of class records mentioned above were this year entered by Mr.K.N. Seshagiriah on a list signed by him and by Mr. K. Rangaswami, another member of the staff of the Botany Department, and given to Professor Sampathkumaran. The list, however, is not traceable, and Dr. Sampath-
kumaran

Dr.Sam/athkumaran in his evidence could not say whether he took the list from his Assistant or after merely looking at it, prepared his own list of final marks for despatch to the University thtrough the college office. He also said that no register of the marks assigned to the class records was maintained in his Department because it was considered unnecessary. It is also learnt that the class records other than herbarium specimens and slides which are in the custody of the Department, viz., drawings and library notes are brought to the Department by the candidates a month or so before the University examination begins, and they are duly valued by a member of the staff and by the Professor.

This year the six candidates for the final honours examination in Botany submitted their records to the Department, and it was stated that this meant as a matter of fact that the books of the several candidates were handed over to an attender who placed them in the room of Mr.K.N.Seshagiriah, who had been assigned the work of valuing the records, but who happened to be absent at the time these books were placed in his room. Mr. Seshagiriah valued the records duly allotting the marks between the different kinds of records in the preparation of 50 for drawings (Practical records) 20 slides, 15 for herbarium specimens and 15 for library notes. Mr.Rangaswami had been told off to assist Mr.Seshagiriah, but evidently there was some hitch in the matter, and Mr.Rangaswami did not help Mr.Seshagiriah on the latter's requisition only, but waited till he got oral instructions from the Professor directly. Mr.Seshagiriah showed the list of marks he had prepared to Mr.Rangaswami, and told him that he was at liberty to go through the records independently, and drew his attention to some irregularities which he had discovered. A particular candidate had submitted along with his own the library notes of another student. He did not notice under other records any similar presentation of other people's work. He discovered that a part of the library notes presented by this candidate was not his own, because the name written on some of the library note books was not his. These note books were covered by

On the other hand Mr. Rangaswami's statement is that Professor Sampathkumaran came and told them that he had seen a few of the library note books of No. 163. Mr. Rangaswami thought the Professor's attention would be attracted by the fact that No. 163 got a zero and that he would enquire into the matter.

Professor Sampathkumaran's version of the incident is as follows: "This year Mr. Seshagiriah, to a certain extent with the help of Mr. Rangaswami, valued the records and I later had a meeting of these two people and myself and after re-valuation I sent the list to the office." When asked to explain what he meant by "re-valuation", he answered as follows:- "The candidate No. 163 did not present his library notes at first. This came to my notice and I sent word to the boy and asked him why he did not submit them. He said he had only a few, and showing some of the library notes of other candidates that he had with him he explained that they were merely copied from books or the notes of other students. I told him to take his as well as of the others that he had with him to Mr. Seshagiriah. Later Mr. Seshagiriah brought the award of the marks to the candidate 163 in respect of library notes. I told him that it was not fair not to give any marks to the said candidate. For the few books that he had produced he may be given some marks. Since the library notes of all the candidates is more or less copied from other books or notes the maximum may be reduced from 15 to 10. This was agreed to and we gave the candidate, I remember, 2 or 3 marks out of ten for this work. The five marks that were taken off of this part were added to herbarium and the awards under this item were changed i.e., new awards were made."

It would appear according to Dr. Sampathkumaran that (1) he was aware that his son was sending along with his own library notes library notes of another student; (2) this was done to invite the attention of Mr. Seshagiriah

to the fact that these library notes were of no special significance - since they consisted of passages copied from books or other students' notes; (3) although Professor Sampathkumaran had been aware for about 5 years that this practice of passing off as one's library notes either extracts of books or passages copies from other note books was in existence, he took no action either to stop the practice if he thought it pernicious or useless, or to lower the importance attached to it till this year (he says, however, the proportion of marks assigned to library notes was reduced even last year from 25 to 15, while this year a further reduction was made from 15 to 10). What requires to be explained is why as the head of the Department, he did not himself look into the matter, and devise such remedial measures as might be necessary, instead of asking his son to submit to his assistant, Mr. Seshagiriah the notes of another student as an example of the futility of such notes. Nor did he explain why the candidate in question tried apparently to pass off the notes as his own, as is suggested by the fact he covered up all signs of the true authorship of the notes by wrapping up the covers and entering his own name on the wrappers. Mr. Bakthavathsala Naidu, the writer of the borrowed notes in question said that his notes had been appreciated by his teachers and also by his class mates and others, the latter of whom paid to him the compliment of borrowing the notes. The candidate No. 163 borrowed them and kept them for a long time. The conclusion is obvious that the notes were useful to him, and he could not have presented them as an example of something that had to be avoided or eliminated. When the marks lists for the class records was shown to Dr.Sampathkumaran, he does not seem to have gone into the question, but enquired why the candidate was given zero at all, and apparently merely assumed the zero was given because the student had presented no (or few) note books. For, according to Mr. Rangaswami, he seems to have said he had seen a few of the library notes books of No. 163. The 2 or 3 marks out of ten are evidently to be assumed to have been given for the note books he presented

The mark given to this candidate in the list sent to the College and the University is 58, but there is no way of ascertaining what was the exact degree of revaluation, and neither Mr.Seshagiriah nor Mr-Rangaswami was able to tell us what the original mark was. And the list signed by them is not forthcoming.

It is difficult to accept the explanation of Dr.Sampathkumaran, and the conclusion is warranted that the candidate No.163 did attempt to pass off the notes of another student as his own. It is true that the benefit he would gain by this attempt was comparatively little. The maximum 10 or 15 is less than 1/100th of the total marks, but the malpractice cannot, on that account be ignored. In this connection attention has to be drawn to the refusal of the candidate No.163 to answer questions orally, and his desire to have the questions to be given to him in writing.

II.Preparation and scrutiny of question papers by the Board of Examiners and their despatch to the Registrar.

Under this head has to be examined the possibility whether the complete secrecy in respect of the question papers which is enjoined on all examinating boards was observed. According to the details given by Prof.Sampathkumaran, there is not much time lag between the receipt of question papers, their scrutiny by the Board and their despatch to the Registrar, nor does it appear that the custody of these papers offered any scope for leakage. The papers were kept in the almirah of the Professor in the Botany Department, when they had to be retained by him. The first draft of the paper and any correction slips are all said to have been destroyed promptly. There seems to be, therefore, no reason to hold that there could have been any involuntary violation of the secrecy attached to the work of the Board of Examiners. The only

other possibility, which has to be mentioned without suggesting its occurrence, is that there might have been a voluntary leakage. That is to say, the Chairman might have revealed the questions to any one in whom he was interested. It is hard to believe that one of Dr.Sampathkumaran's standing would be guilty of such a practice. In order, however, to make the enquiry complete by examining all possible, however remote and unlikely, ways in which a candidate could have benefitted illicitly, all the answer papers of all the six candidates were sent to a Professor of Botany who was in no way connected with the examination of 1941, and he was requested to go through them and report whether the answers of any candidate indicated that he had a knowledge of the questions beforehand. It will be seen from the copy of the letter received from the gentleman in question that there is no clear indication of any previous information regarding the question in the answers of any candidate. He goes on to add, however, that while the majority of candidates have maintained a uniform standard in the answers to the different questions of each paper, the answers of candidate No.163 appear to vary widely in regard to quality and standard. In each answer paper of this candidate the answers to the first 2 or 3 questions are definitely of a higher standard than those attempted subsequently. There are numerous references to authors and previous work in the answers to certain questions, while certain others are not only lacking in such references but are of a lower standard. The referee goes on to add that this may be due to his having been well prepared for some expected or probable questions. It is of course a fact that students are generally in the habit of preparing answers for likely questions, and this may well have been so in the case of the candidate in question. In any case no positive conclusion can be drawn from a scrutiny of the answer papers, that candidate No.163 had access

to inside information as to the questions that had been set in the papers for the Botany Examinations of 1941.

III. Valuation of answer books.

Each candidate had to answer 6 papers on theory, and each of these papers were valued by two examiners. Dr.Sampathkumaran set 2½ papers including ½ paper in the case of those who took Zoology as a special subject. He put himself down as the second valuer for three more papers. That is to say, he valued either as first valuer or as a second valuer answer books of five papers out of six. It is found that candidate No.163 gets first class marks in four papers out of six, and a second class mark in one paper and a third class mark in another. The marks given by Prof.Sampathkumaran are consistently lower than those of his fellow examiner, Mr.T.S.Raghavan in three papers. In the fourth paper which he valued along with Mr.M.S. Sabesan his total mark is lower than his colleague, but his colleague has given no detailed marks so that no comparison can be made of the marks, question by by question. In the paper he valued with Dr.Manjunath the candidate gets 31 marks at the hands of Dr.Sampathkumaran (one part only) and 16 marks at the hands of his colleagues (the other part). In the paper valued by two examiners other than Dr.Sampathkumaran the candidate gets 54 marks. No candidate gets first class marks in this paper, however. There is something striking about the symmetrical shortage of marks as given by Prof.Sampathkumaran in comparison with the marks given by his colleagues in the 3 cases, where detailed marks are available. From Dr.Sampathkumaran's statement, however, it is learnt that he had no knowledge of the marks given by his colleagues who more over sent him only the total marks and not ~~his~~ marks question by question. He also stated when he appeared before me that he had asked his colleagues who had brought the answer books and their marks lists to Bangalore when they came for the practical

examination, not to show him their marks till he had finished his valuation. It has to be pointed out, however, that he had seen their marks (totals) before he sent his own to the Registrar. In the absence of any positive evidence to the contrary there can be no suggestion of biassed valuation.

IV. The conduct of the practical examination.

The practical examination consists of three papers, and the examiners were Dr.Raghavan, Prof.Sampathkumaran and Prof.Sabhesan, and they examined on different days, two of them each day. Each of them, was to have examined and marked at two of the practical examinations. It would appear that Dr.Raghavan who examined on the first day with Dr.Sampathkumaran had to leave before he could take the next practical examination, so that his work also fell on Dr.Sampathkumaran , who, therefore, was one of the examiners for each of the three practical papers. The details given by Dr.Sampathkumaran regarding the manner in which the practical examination was conducted, specimens were obtained and selected, and questions were set, do not suggest that there could have been any leakage in regard to any of them. It is seen that candidate No.163 has done exceedingly well in the practical examination getting 201 out of 300 (second highest mark), whereas in the theory papers he falls short of a first class mark by three marks. Dr.Sampathkumaran himself was surprised not only at the first class obtained by the candidate, but also at his standing first in the second practical examination(75 out of 100). The question that has to be considered is whether the candidate did get first class marks entirely on his merits, or received any adventitious aid-. It does happen that students who do not do well in the written papers come out with flying colours in the practical examination and the opposite is also true.

For the possibility that the candidate might have been helped illicitly in the course of the practical examination, there is no proof, and Mr.Narasimhamurthy was emphatic in his statement that there was no chance for any such help being given to the candidate. The two examiners were always in the room, or at the entrance of the adjoining room, and he himself was in the hall most of the time. ~~Therefore~~ But, if we rule out the probability of the student having a special mental spurt during the practical examination, and also the other possibility, that he received some illicit help in his practical examination, there is another possible explanation for his scoring such high marks. Dr.Sampathkumaran was one of the two examiners who valued the work of the candidate, and it is seen that the two examiners gave a joint mark. There is a possibility that the external examiner might have been influenced in his appraisal of the results of the candidate No.163 by the fact that the candidate was his colleague's son. Without suggesting that anything of the kind happened, it must be set down as a serious error of judgment that Dr.Sampathkumaran should have placed his colleague and himself in so equivocal a position.

Report of referee on the answer books of the six candidates for the Botany Hons.Examination of 1941, dated the 23rd July 1941.

With reference to your Confidential letter of 4th July 1941, I have the honour to make the following observations in regard to the answer papers forwarded for examination:

1. There is no clear indication of any previous information regarding the questions, in the answers of any candidate.

2. While the majority of candidates have maintained a uniform standard in the answers to the different questions of each paper, ~~the answers to the different questions of each paper~~ the answers of candidate No.163 appear to vary so widely in regard to quality and standard that I should draw special attention.

3. In each answer paper of this candidate the answers to the first two or three questions are definitely of a higher standard than those attempted subsequently. Special mention of this fact is made because of the prolific references to authors and previous work to certain questions while certain others are not only lacking in such references but are of low standard. This may be due to his having been well prepared for some expected or probable questions. But how far even this could have been due to previous information on some of the questions for the examination it is not easy to say from a scrutiny of his answer papers.

The answer papers are returned in a separate packet.

Sri Krishnarajendra Silver Jubilee Technological Institute,
Bangalore.

First day. 24th July 1941.

At the outset the issue was considered whether Dr.Sampathkumaran was entitled to demand as he did in his letter dated 23rd/24th July 1941 that when he was examined, the members of the University Council, who it was proposed to assist the Vice-Chancellor in the enquiry, should not be present. Dr.Sampathkumaran offered all facilities for the enquiry and placed himself entirely at the disposal of the Vice-Chancellor for the purpose, but contended that the rules did not require that he should be examined either in the presence of, or by, the members of the University Council, since according to him the Vice-Chancellor was the executive head of the University.

The Vice-Chancellor did not agree with Dr.Sampathkumaran, and Dr.Sampathkumaran submitted that if he should be required to be examined in the presence of or by the members of the University Council it should be only after he had given a representation in the matter and orders on it were obtained from Government.

As this would have delayed matters, the enquiry of the first day was proceeded with, the question raised by Dr.Sampathkumaran being reserved for further consideration.

Ques. With regard to the class records has it been the practice not to give marks for them at the time the drawings or library notes or herbarium specimens or the slides were prepared?

Ans. Laboratory records(drawings are examined every week, but valued at the end of the third year for the purpose of the University and the preparation of slides are superintended either by the Professor or other members of the Department and valued at the end of the third year. Herbarium records are superintended at the time of the excursions either local or outside, by the members of the staff and valued at the end of third year. Library note books are inspected and valued only at the end of the third year.

Ques. Is there any indication on the records to show that they have been inspected or checked by the Professor or a member of the staff.

Ans. No.

Ques. How often then are the drawings inspected in the course of the year.

Ans. Practically every week.

Ques. Has the Department adopted the practice of leaving some indication on the drawings or other records to show that they have been inspected?

Ans. There is no special reason but the practice has been for last 20 years nearly not to mark the records.

Ques: What proof will there be for any Inspecting Officer or for the Professor himself to know that these records have been systematically inspected by the members of the staff?

Ans. I had no occasion to suspect anybody.

Ques: Does it mean that you have been checking the class records periodically?

Ans. I check the records of students from time to time.

Ques: Have you left any indications of your scrutiny?

Ans. No. Occasionally I sketch a new figure on the blank paper.

Ques: Could you from these records point out any such scrutiny?

(Dr.Sampathkumaran looked through the books and pointed out one or two sketches he had probably made in the note books of a student.

Ques: Has there been anything like consultation between the different departments in the college with regard to uniformity either in the inspection of records or their valuation?

Ans. No, nor has there been any uniformity even as regards the kind of records to be maintained.

Ques: You say in your letter of the 16th July that the library notes consisted merely of passages copied from the books or from the note books of other students. Was it the first time that this fact came to your notice?

Ans. No, It was noticed before, but this time it was insisted upon. I had allowed this because even copying would give them some additional knowledge.

Ques: How long is this copying in practice?

Ans. It was noticed by me about five years ago.

Ques. Was the proportion of marks allotted to the different kinds of records in the earlier years?

Ans. Laboratory records-50: Herbarium and slides- 25: Library notes-25: Subsequently the proportion allotted to library notes was reduced to 15, and this year it was reduced still further to 10.

Ques: Have you ~~ex~~ maintained in your Department any record of the marks given to students under the different heads?

Ans. No. As soon as the marks have been given the consolidated list is ~~sent to the~~ college office.

Ques. Is no register maintained in your Department.

Ans. No. It was considered unnecessary.

Ques. In your letter of the 16th July you say that you were waiting for instructions to forward your son's library notes. Is it your recollection that these notes were not asked to be sent earlier?

Ans. On the 2nd June the Vice-Chancellor asked me to collect the drawings and library notes from the students and have them ready. When the Registrar came on the 28th June the laboratory records of 4 candidates were made available. He did not ask for library notes. And, therefore, I did not give them. When the Vice-Chancellor asked for the notes of all the candidates, I felt awakward to ask the students and said the Refistrar might write to them and get them.

Sd.M.A.Sampathkumaran.

"Copy"

Second day.

25th July 1941.

Dr.M.A.Sampathkumaran.

Ques. When was the first demand made to you to send library records?

Ans. A reference was made by the Vice-Chancellor on 28th June evening, during a telephone conversation but no demand was made to produce the note books.

Ques. Did not the Registrar on the 28th June in the afternoon tell you that the library records were wanted?

Ans. Yes.

Ques. Had you with you any of these records at the time?

Ans. None except my son's

Ques. When the records were wanted and you have your son's library notes with you, why did you not produce them?

Ans. My idea was that the records of all the students were wanted.

Ques. Therefore what step did you make to get the records of other students?

Ans. As I felt it awkward to demand the notes from the students I suggested to the Registrar to write to them directly

(I do not remember to have said "suggested to the Registrar to write to the candidates directly")
Intd.M.A.S. 29-7-1941).

Ques. When you knew that all the class records were wanted including the library notes and you had with you on the 28th June your son's library notes, can you say that it was only after you received my letter of the 10th July that you had the first opportunity of making them over to the Registrar?

Ans. Your letter of the 10th July was received by me on the 12th July evening and this I reported to you same evening at the music time . On the 13th July, when I approached you and asked you whether I might send the note books and you ordered me to do so. Then I said I would send them on Wednesday after reaching Bangalore.

Ques. Does it mean that in the absence of the conversation on the 13th you refer to when you say you got instructions ~~from~~ for the first time to send the library notes, my letter of the 10th July by itself, or the previous references to the need for class records

being sent to the University, would not have made you realise that the library notes were also wanted?

Ans. I knew that they were wanted, but definite instructions to send them were given on the 13th. Since the letter of 10th July came to me in Mysore I had the opportunity of directly approaching the Vice-Chancellor, ~~[illegible]~~ and obtained his orders. All the time I was under the impression according to the different talks, that the Vice-Chancellor would come and inspect them in Bangalore.

Ques. Then when the Registrar on the 28th June came to take possession of the ~~[illegible]~~ class records under my instructions, you did not feel that you had to produce such library notes of candidates as were in your possession?

Ans. He did not ask for them, and I did not give them.

Ques. What did he ask you?

Ans. For laboratory records.

Ques. Did he say laboratory records or class records.

Ans. Class records.
(I remember to have said laboratory records: Intd.M.A.S. 29-7-1941).

Ques. Of how many members did the Board of Examiners consist?

Ans. Four, and two additional examiners.

Ques. How many papers in theory for specific parts of the examination were these students required to take?

Ans. Six.

Ques. How many different question papers were there for the Honours Examination in all?

Ans. Seven.

Ques. Were the examiners qualified to set any of these papers or value answer books in any subject?

Ans. Distribution was made on the best lines possible.

Ques. How many papers did you set yourself?

Ans. Two and a half (two to one set and two and a half to the other).

Ques. And how many papers did you value in the case of the group including No.163.

Ans. I set two papers and valued 5 papers.

Ques. In the case of other candidates, how many papers did you set?

Ans. In the case of one, Zoology as special subject; 2½ papers.

Ques. How many did you value?

Ans. Five papers.

Ques. Is this true of all the candidates?

Ans. Yes.

Ques. There is disparity between the number of papers you set and the number of papers you valued. Is this true also of the examiners of your Board or were you the only one who valued more papers than you set.

Ans. Dr.Raghavan valued more than what he set. He set one paper and valued four papers.

Ques. Any other examiner?

Ans. I set two papers and valued five in both cases.

Ques. Has it been usual in your Board for one examiner to value as many as five papers out of six or has this been exceptional this year?

Ans. On account of the introduction of the double valuation from last year and the composition of the Board, I had to take more papers for valuation. In the best interests of the students I had to do this.

Ques. Does your reference to the best interests of students means that this second valuation of the other papers could not have been entrusted to some of your other colleagues?

Ans. I was afraid that full justice might not have been done.

Ques. Did it not strike you that valuing as many as five papers of candidate No.163 might be misunderstood?

Ans. I was not thinking of the candidate, but I was thinking only of the efficiency of the examination.

Ques. So it never occurred to you the position might be misunderstood?

Ans. Not until the boy got high marks in the practical examination and also in the theory examination.

Ques. Did you take part in the practical examination yourself.

Ans. I set one of the papers and I was forced to value all the three papers.

Ques. Was this a joint valuation?

Ans. Yes.

Ques. What do you mean when you say 'you were forced to value'?

Ans. Because Dr.Raghavan was to leave immediately for his University, and this fact was duly reported to the Registrar.

Ques. Was the report made in writing.

Ans. No it was made orally

Ques. Therefore you valued as many as eight papers out of nine papers taken by the group of candidates in which No.165 figured?

Ans. Yes.

Ques. In the practical examination did you and your colleagues give marks separately or give a joint mark?

Ans. We gave a joint mark, but whenever there was difference between us, the different marks were averaged.

Ques. Was the difference recorded on paper or did you supply only the averaged marks to the University?

Ans. The average mark or the agreed mark is recorded on the paper.

Ques. What is the system of receiving question papers, discussing them and sending them to the University, that prevails in your Board?

Ans. The question papers are brought by the examiners to the Board meeting except where the examiners are not present at the meeting. This time Dr.Doraiswamy sent his papers beforehand. All the question papers are discussed at the meeting of the Board. The final papers are drawn up by the examiners themselves at the meeting. I cannot remember whether the papers were placed in envelopes and sealed then and there or later. I cannot remember also whether they were sent off to the Registrar, immediately or later. This can be verified. The originals and any notes made at the meeting are destroyed at the meeting itself or immediately after the meeting. If there is any interval between the meeting of the Board and the despatch of the question papers, the packets are kept in my room under lock and key.

Sd.M.A.Sampathkumaran,
27-7-1941.

Third day. 26th July 1941.

Dr.M.A.Sampathkumaran.

Ques. Do these library notes represent three years' work?

Ans. Yes. I presume they are three years' work as they are asked to read from the beginning of the Honours class.

Ques. Is it possible, by looking at the books, to say whether the work was done in the first or second or third year?

Ans. It is possible. The dates on which he wrote cannot be stated.

Ques. Do you notice the disparity between the amount of library notes of candidate No.163 and of the other students?

Ans. Yes.

Ques. Are you aware of any reasons for the disparity?

Ans. When this question of appraising the library notes came up, I wanted the explanation from the candidate. He said that all the years he was using my personal library and it was not necessary for him to copy from the books. So he did not take notes unnecessarily.

Ques. What was the object in bringing out this comparison?

Ans. Just to show that it was not necessary for him to get from the books.

Ques. On his representation did you take any action in the direction of lowering the amount of marks allotted to library notes.

Ans. On his representation, and after consulting my colleagues I took action to lower the maximum from 15 to 10.

Ques. Was it not invidious that this action should be taken on the representation from a student whose own work, as the Department required, was incomplete.

Ans. The amount of work has not been definitely specified.

Ques. Although there was no special instruction as to the amount of notes, was it not understood that the students should refer to books in the Library from time to time?

Ans. Yes.

Ques. What is the evidence for such periodical reference to books in the library?

Ans. The register of the Department.

Ques. Is there any indication in the Departmentsl register that the candidate No.163 was in the habit of referring to books systematically like other students?

Ans. I cannot supply it now. From a reference to the library register information can be obtained, but I may add the student had access to my personal library.

Ques. Were you satisfied that he had been working systematically at reference books whether in the personal library or the college library.

Ans. He had taken books from my personal library. I think he must have been going it.

Ques. Did you get from your colleagues on the Board their marks lists directly.

Ans. They sent the detailed lists to the Registrar as directed, and they also gave me the marks for each paper as a whole when they came for the practical examination.

Ques. Did you also send as an examiner your detailed marks lists to the Registrar on the ~~prescribed~~ date?

Ans. Yes.

Ques. When you were valuing the papers as a second valuer, were you aware of the marks given by the other examiner?

Ans. No.

Ques. Were there marks entered on the answer books when these were sent to you for second valuation in the case of papers you had not set?

Ans. No.

Ques. Were not the valuers of the different papers asked to send their marks in detail to the Registrar by a certain date?

Ans. Yes.

Ques. Can you remember the date.

Ans. I do not exactly remember.

Ques. Did you send your marks lists by the due date?

Ans. Yes.

Ques. Did you send your final(Chairman's) marks at a later date.

Ans. Yes.

Ques. When you valued the answer books as the second valuer were you in possession of the marks lists of your colleagues.

Ans. No I had definitely asked them not to give their marks lists until I finished my own valuation.

Ques. Therefore can you say definitely without any qualification that when you valued the answer books as the second valuer, you had no knowledge whatever of the marks given by your colleagues?

Ans. I can definitely say no.

Ques. When you were doing the practical examination were you aware then of the performance in the theory papers of the candidates?

Ans. On the first day of the practical examination I was in possession of the marks given by Dr.Raghavan and Dr.Doraiswamy.

Ques. What was the date on which you were required to send your own marks to the Registrar? Was it after the practical examination or before it?

Ans. The due date so far as I can remember the date by which each examiner had to send his marks register was to my recollection during the practical examination.

Ques. Did you finish your valuation of the papers allotted to you before the practical examination began?

Ans. Yes.

Ques. During the practical examination did you and your colleagues have any occasion to discuss the merits of students as revealed in the theoretical papers?

Ans. Dr.Raghavan remarked which of the boys had done well without giving tthe marks in detail.

Ques. Did he by any chance mention your son's number?

Ans. Yes. He also mentioned that No.164 was the best of the lot.

Ques. As regards the practical examination how are the problems set to the students and how did you divide the problems?

Ans. Same problems.

Ques. Are these problems settled before and if so how long before.

Ans. The general idea of the nature of the question paper of each day is settled before. The actual questions are framed after the specimens have been seen by the two examiners on the morning of the day of examination.

Ques. Who brings these specimens and under whose custody are they till the time of the examination?

Ans. (1) The Examiners bring some specimens.
(2) Specimens from Madras sent by my friends as railway parcel.
(3) Our senior assistants will be asked to bring some specimens.
(4) We ask the servants bring some specimens.

All these specimens are brought in a very confidential manner and placed in room on the morning of the examination. Then the examiners sit together and select the specimens for the day's examination and frame the questions and these are issued to the candidates at the time of the examination.

Ques. When you have made the selection does anybody besides the two examiners know which specimens have been selected before the time of the examination?

Ans. No. One of the senior members of the staff gets instructions a few minutes before the examination begins to mark them A.B.C.and distribute them to the candidates. These persons only mark the specimens,and will not be aware what questions are asked on the specimens.

Ques. When you tabulate the marks did you feel any surprise that No.163 got first class marks?

Ans. Yes. Even at the second practical examination when he scored the highest marks I was surprised at his performance.

Ques. ~~I thought~~ Why.

Ans. I thought he was not capable of securing such high marks.

Ques. Was this opinion based on the estimate of his capacity or your knowledge of his work.

Ans. On the estimate of his general capacity.

Ques. Did you consult anybody as to whether his first class should be allowed to pass or the marks lowered?

Ans. Yes.

Ques. Whom did you consult.

Ans. Prof.Sathesan and also Dr.Manjunath.

Ques. What was the nature of the consultation?

Ans. I said this boy had got the first class and naturally people would immediately ascribe this because it was my son, and as I knew the boy was not of the first class capacity a few marks might be taken off to place him in the second class.

Ques. What did each reply.

Ans. Both of them protested against that procedure.

Ques. Did you consult anybody outside the Board of Examiners on the same subject?

Ans. No.

Ques. Are you quite sure?

Ans. Yes.

Ques. Before the results were announced by the University there was a talk that your son had got a first class. Can you explain how this possibly could have leaked out?

Ans. I am not responsible at all for that.

Ques. But, were you aware that this was talked about before the results were published?

Ans. I was not.

Ques. Between 12th and the 26th April were you aware that it was talked that your son got a first class?

Ans. It may be. I am not quite sure.

Exeept the addition in page one the rest are correct:

Sd.M.A.Sampathkumaran,
29-7-1941.

Fourth day. 28th July 1941.

Mr.K.N.Seshagiriah.

Ques. How long have youbeen seen in the Botany Department of the Central College?

Ans. Two years.

Ques. What is meant by class records in your Department?

Ans. Class records mean records of practical work, drawings, herbarium, specimens, slides and library notes.

Ques. Are these class records examined periodically or at the end of the third year.

Ans. The practical records are examined from time to time - almost every day.

Ques. Herbarium specimens?

Ans. Herbarium specimens, the slides, and library notes are examined and valued along with the practical records once for all.

Ques. That is to say, during the course of three years, you only test or inspect the records of practical work and as regards specimens and so on, nothing is done?

Ans. The experiments are examined from time to time, so also the specimens and the slides are inspected in the course of preparation. Library notes are inspected and valued at the end of the third year.

Ques. Did you value the class records for 1940-41?

Ans. Yes.

Ques. How did you allot the marks between the different kinds of records?

Ans. 50 for the practical records, 20 for the slides, 15 for the herbarium and 15 for library records.

Ques. Have you given marks separately under these heads?

Ans. Separately under each head and these marks are entered by me on a sheet of paper and then handed over to the Professor.

Ques. You said you have valued the class records of all the six candidates. Did you immediately hand over the list of marks to the Professor or did you wait till Mr.Rangaswami also joined you?

Ans. I waited for Mr.Rangaswami's valuation.

Ans. [illegible] the last [illegible] prepared [illegible] [illegible] at [illegible] to go through the [illegible] [illegible] apparently, and then I drew his attention [illegible] some irregularities which I had [illegible].

Ques. What were these irregularities?

Ans. A particular candidate had submitted the [illegible] record of another candidate, for which I [illegible] [illegible] any marks.

Ques. Did you notice under other records of experiments, drawings, slides and specimens any similar [illegible] tion of other people's work?

Ans. I did not notice.

Ques. How did you discover that any part of the [illegible] presented by him was not his own?

Ans. Because the same written on some of the [illegible] was not his.

Ques. Were these library notes of other students [illegible] presented as his own paper or [illegible] other purpose?

Ans. When the books were [illegible], I was [illegible] I had left instructions with the [illegible] all the records whenever the [illegible] and to keep them in the room.

Ques. How did you get the impression that these [illegible] of other students were meant to be [illegible] those of the candidate in question?

Ans. The note books were covered by wrappers on which the candidate's name was written. [illegible] on the cover of the book, on which the [illegible] other candidate was written.

Ques. When did you get the impression that the student [illegible] deliberately tried to make off as his own [illegible] prepared by another?

Ans. I cannot say whether he was deliberately [illegible] to make sure of the [illegible] for [illegible] his case and I asked him whether [illegible] his own.

Ques. He said that was his.

Ques. What did you do?

Ans. Then I opened the wrapper, and showed the name of the other candidate on the note books in question.

Ques. How many such note books can you say were presented?

Ans. About 8 or 10. Then he went on explaining, and his explanations were not satisfactory and convincing.

Ques. Then what did you do about the matter?

Ans. Idid not award any marks for the library work.

Ques. Do you remember what marks you gave to the other records?

Ans. I am sorry I cannot remember.

Ques. Were the marks you gave recorded by you at the time?

Ans. Yes surely.

Ques. When you had finished the valuation of the class records of the candidates what was the occasion for Mr.Rangaswami's valuing them again.

Ans. The Professor of Botany asked him to go and help me.

Ques. Did you draw the attention of the Professor to the irregularity in regard to the library records of one of the candidates?

Ans. Not immediately.

Ques. Was it before or after Mr.Rangaswami was asked to assist you?

Ans. I did not draw his attention to any time specifically to this irregularity, but by giving no marks to the library records, I expected him to notice it.

Ques. Did Mr.Rangaswami also notice this irregularity?

Ans. Yes. He noticed and he concurred with my valuation and put up his signature to the marks list.

Ques. Was this marks list signed by both of you sent to the Professor?

Ans. Yes.

Ques. In that list had you given zero to the item "Library notes"?

Ans. Yes.

Ques. Did the Professor make any enquiry as to why you gave the candidate's library notes zero?

Ans. We sent the list of the Professor and both myself and Mr.Rangaswami were sitting in the room. On receiving the list, the Professor immediately came to us and then said "why have you given my son zero? he had shown the books to me." He said that much and went away. The we thought there was no use in doing anything further.

Ques. Do you know what happened to the marks list afterwards?

Ans. I do not know.

Ques. Did the Professor call for the records of the student from your custody?

Ans. No.

Ques. Do you know if the Professor went through the class records of the candidates in question after you and Mr.Rangaswami had valued them and sent your marks lists to him?

Ans. No.

Ques. Do you know if the detailed marks given by you are entered in a register or a copy is kept in the Department itself?

Ans. Not that I know.

Ques. Do you know if the lists sent by your Department to the College Office are filed in that office?

Ans. I do not know

Ques. Did you take any part in the practical examination of the Botany Honours in 1941.

Ans. Yes.

Ques. What was the part you took? Were you one of the examiners or did you assist the examiners in any way?

Ans. I was not an examiner, but I was appointed as Assistant examiner and I thought my presence in the examination hall would be necessary. The Professor of Botany used to come to the laboratory about 30 to 45 minutes before the examination, and I used to type the questions, and prepare the necessary number of copies for the candidates, and later I used to assist in the distribution of the specimens to the candidates for the Honours examination.

Ques. Does this typing of questions and distribution of specimens refer to the Honours Examination?

Ans. The typing of question papers referred both to Pass and Honours examination. I used to help in the practical examination of the Honours students.

Ques. Where was the practical examination held?

Ans. In the Botany practical hall - in one of the verandah rooms in the northern side.

Ques. Where is the M.Sc. room?

Ans. Just adjoining the practical hall.

Ques. Is it a fact that one Mr.M.A.Sampathkumaran used to be in the M.Sc.room when the examination was going on for the Honours students in the adjoining practical xxx hall?

Ans. I cannot say whether he was in that room, but he used to be moving about.

Ques. Had he any specific connection to the Botany Department?

Ans. I do not think he had any definite work in the Department. He was employed by the University to assist me in the Botany work in the L.M.P.class, but that work had ceased by the end of January 1941. At any rate he had no direct connection at the Botany Department during the examination time.

Ques. Then can you account for his presence in the Botany Deptt. when the examination was going on?

Ans. I do not know.

Ques. Are you sure he was in the Botany Department when the Practical examination for the Honours students was going on?

Ans. Yes. He was.

Ques. Do you know who the examiners were for the practical examination for the Honours work?

Ans. Dr.Sampathkumaran and Dr.Raghavan and Prof.M.S.Sabhesan.

Ques. Did all the three examine all the three practical examinations.

Ans. Usually two examined each batch, and I cannot remember which of these three examined the candidates.

Ques. Do you remember if Dr.Raghavan examined right through the examination or only a part of it.

Ans. I do now know.

Ques. You know the candidate No.163, that is Mr.Alwar Iyengar. Were you teaching him during the three years in the Central College.

Ans. Yes.

Ques. What is your opinion of his general form - was he a very good, medium or poor student?

Ans. An average student?

Ques. Did you during the two years you taught him think it likely he would get a first class.

Ans. I cannot say.

Ques. Have you any information or impression as to the boy's general industry or habits of work?

Ans. He is intelligent but not hard working, but indifferent.

Ques. Will you look at these books of library notes, and tell me if these were the books you examined for the valuation purpose?

Ans. Yes.

Ques. Can you tell me how many other books were presented by the student as his own.

Ans. Eight or ten.

Ques. Do you happen to remember the name of the student whose books they were?

Ans. Bakthavasthala Naidu, a student then in the II.Hons.class.

Ques. Where is he?

Ans. He is now in the III.year Hons. class.

Ques. Did you have any occasion to speak to Bakthavasthala Naidu about the loan of his notes to No.163.

Ans. No, I thought it would be indiscreet on my part to make any enquiryes

Ques. Are you aware what the final marks were which were sent to the College Office on the class records?

Ans. I do not know.

Ques. Do you remember the marks you gave to the candidate for the other records.

Ans. I cannot remember.

Sd.K.N.Seshagiriah,
Ag.Asst.Professor of Botany, C.C.

28-7-1941.

Fourth day. 28th July 1941.

Mr.M.Rangaswami

Ques. How long have you been in the Botany Department?

Ans. Since 1923, with a break of about four years when I went to work under the Indian Cotton Committee.

Ques. Have you been taking Honours classes in the Central College?

Ans. I lecture to the Honours classes and do practical work only for the first year.

Ques. Does it form part of your duties to inspect from time to time the class records of students for the Honours Degree?

Ans. Yes.

Ques. What is meant by class records?

Ans. Record of practical work, slides, herbarium, specimens, and library notes.

Ques. Have you examined these records from time to time.

Ans. Yes; only the cl

Ans. Only the records of practical work.

Ques. What do you mean

Ques. How often do you examine them?

Ans. Practically ever

Ques. What does this mean, 'examining' the practical records?

Ans. I go through the drawings and see if they are correct.

Ques. Do you leave any indication on the records of the fact that you have gone through them?

Ans. Till now we have not put our signatures. We now and then draw roughly the correct figures on the interleaves.

Ques. Did you take part in the valuation of the class records as a whole for the Honours Examination of 1941?

Ans. I was asked to help Mr.Seshagiriah at the last moment.

Ques. Why,? Was any reason assigned? Did you get the instructions orally or in writing.

Ans. I did not get instructions either orally or in writing from the Professor himself.

Ques. Then who gave the instructions to you?

Ans. Mr.Seshagiriah asked me to go and help him

Ques. Did you help him on his requisition?

Ans. No.

Ques. Then when did you help him?

Ans. Finally when the word came from the Professor directly.

Ques. Was this oral or written?

Ans. Oral

Ques. Then what did you do?

Ans. I went to Mr.Seshagiriah's room and found by that time he had valued all the records.

Ques. Did he show his mark lists to you?

Ans. Yes.

Ques. Was this after your own separate inspection?

Ans. I did not go through the records myself, but accepted his valuation.

Ques. Then, what was the nature of the help you gave to Mr.Seshagiriah?

Ans. Practically nothing.

Ques. Did you sign the marks list prepared by Mr.Seshagiriah?

Ans. Yes.

Ques. Am I to understand you accepted these marks without going through the records yourself?

Ans. Yes.

Ques. Was this correct.

Ans. I do not think it was wrong.

Ques. Did you notice anything peculiar in his marks assigned by Mr.Seshagiriah to different candidates?

Ans. Yes. Against Mr.Alwar Ivengar's name there was no entry against library notes.

Ques. Was it a blank or was it given zero?

Ans. It was blank

Ques. Did you ask him for any explanation for this?

Ans. Yes.

Ques. What was his explanation?

Ans. He opened the books and showed me the name of Bakthavasthala Naidu.

Ques. Was this name to be found in all the library note books or only in some.

Ans. I noticed this name in a majority of books.

Ques. In a majority of books?

Ans. I should say I saw his name in all the library note books submitted by No.163.

Ques. Will you please look at these books in the name of Mr.Alwar Iyengar and say if you saw them at the time you went through the library records of students of 1941?

Ans. I do not think these books were among the books I looked through at the time of the valuation of the class records.

Ques. Then can I take it from you that your recollection is that none of the library note books produced by the candidate No.163 (Mr.Alwar Iyengar) were his own books, and all of them had the name of Bakthavathsala Naidu?

~~Ques~~. Ans. Yes.

Ques. Did this strike you as requiring some explanation from the candidate?

Ans. No.

Ques. Did you or Mr.Seshagiriah draw the attention of the Professor to this fact that Mr.Alwar Iyengar had produced library note books as his own, but which did not bear his name

Ans. We consulted together and put a zero in the list against the name of the candidate No.163 in the column 'Library notes', and submitted the list to the Professor.

Ques. Did the Professor make any comment on the fact that one candidate No.163 got zero for library notes?

Ans. He did not. He merely came and told us that he had seen a few of the library note books of 163. We thought his attention would be attracted by the fact that No.163 got a zero, and he would enquire into the matter. We did not want to complain ourselves against the student particularly in this case.

Ques. Did you know that the Professor enquired into the matter?

Ans. I do not know.

Ques. Do you remember the other marks given to this candidate by any change?

Ans. I do not remember.

Ques. Did you take the classes in which the student was during his Honours career?

Ans. Yes.

Ques. What is your estimate of this student's mental calibre and industry?

Ans. I found he had the intelligence of a first class student, but he did not have the industry.

Ques. What he got a first class, did that confirm your judgement of his ability or cause you any surprise?

Ans. Caused a little surprise?

Ques. Did you know the results of this candidate before they were published by the University?

Ans. No.

Ques. Did you take any part in the practical examination?

Ans. No.

Ques. Did you go to the practical examination hall during the examinations this year i.e., 1941?

Ans. No. I was not well at the time.

Ques. About the practical records, do you remember the allotment of marks as between the four groups of Honours records?

Ans. 50 for practical work, drawings etc., 15 for library, 15 for specimens and 20 for slides.

Ques. Do you know if this is the same as in earlier years or was there any change?

Ans. I was told by the Professor that the marks allotted to library records have been gradually reduced.

Ques. Do you know at all what were the marks allotted to the library records in the earlier years?

Ans. No.

Sd.K.Rangaswamy,
29-7-1941.

Fourth day. 28th July 1941.

Mr.S.N.Narasimha Murthi.

Ques. Were you taking part in the honours work in the Central College for the last two years?

Ans. Yes.

Ques. What kind of work?

Ans. I was taking lecture classes for the second honours - one lecture and practical in the same subject, morphology.

Ques. Was it part of your work to look through the class records of the students?

Ans. I was looking through the class records in that subject.

Ques. When you inspected these class records, were you in the habit of putting initials and date?

Ans. We do not put our name or initials on these or any corrections in the drawings sheets.

Ques. Are these class records with the students or in the office?

Ans. With the students.

Ques. When they are submitted for valuation, what is the procedure?

Ans. I know nothing. It is not within my knowledge.

Ques. Did you have anything to do with the practical examination of 1941?

Ans. I was in charge of the preparation.

Ques. Were you one of the assistant examiners?

Ans. No.

Ques. Were you asked to assist the chief examiners in the preparation?

Ans. Yes.

Ques. What does this preparation actually mean?

Ans. To arrange these specimens and bring them and place them in the examination hall and ask for instructions of the examiners.

Ques. For how many days did the examination go on for the Honours candidates?

Ans. three days.

Ques. Did any chief examiner come to the examination hall at all?

Ans. Yes: two outside examiners.

Ques. Can you remember who came on the firstday, second day and the third day?

Ans. First day Dr.Raghavan and Dr.Sampathkumaran examined. Second day Dr.Raghavan went away and Mr.Sabhesan and Dr.Sampathkumaran examined the second and the third day.

Ques. During the practical examination who all were present at the hall?

Ans. The chief examiner and myself and three attenders.

Ques. Can you tell me if the attenders were in the hall right through or were they allowed to leave the hall and go out and come in again?

Ans. They were in the passage and came to the hall when sent for.

Ques. Was it possible for them to leave the passage and go outside and then come back?

Ans. I do not know.

Ques. Did you stay in the examination hall all the three hours?

Ans. No. Iwas there at the time the specimens were distributed. It would take half an hour and then after taking the permission of the examiner go out for food or to the Intermediate College and come in again.

Ques. Apart from the examiners, were you the only member of the only member of the staff in the examination hall?

Ans. Yes.

Ques. Did it ever happen that you were left alone in the examination hall when the examiners were outside the examination hall?

Ans. No.

Ques. Are you quite sure?

Ans. Yes.

Ques. Do you remember if any person not connected with the college, other than a member of the staff or a student was found in the Botany Department during these three days.

Ans.. No, except Dr.M.A.Sampathkumaran.

Ques. Do you know why he was there at all?

Ans. He was teaching the L.M.P.class in Botany.

Ques. When did this work cease?

Ans. He was going to the Department in February and March 41.

Ques. Why did he come?

Ans. He has no specific work, but he was in the Botany ~~Deptt~~. Department.

Ques. Was it possible for him to know what specimens had been given to the students?

Ans. No. He could not know possibly.

Ques. Was he in the examination hall or nereby?

Ans. In the M.Sc.room.

Ques. You say you went out, did you see him outside and did you speak to him?

Ans. No.

Ques. Did any of the attenders go and speak to him?

Ans. No.

Ques. At what time were the specimens brought to the Professor's room?

Ans. I believe in the morning the specimens were brought to the Professor's room,and were given to me for distribution to the candidates at about 10 a.m.

Ques. Therefore did you not see them before the examination time?

Ans. No. There was no occasion to see the specimens before they were brought to the examination hall?

Ques. Was it possible for any one while the examination was going on, to assist the candidates from without?

Ans. Not possible.

Ques. Were you teaching the candidate No.163 Mr.Alwar Iyengar in your classes.

Ans. Yes.In the second year only.

Ques. Can you tell me what impression you formed about his ability and industry?

Ans. He is an average student, capable of doing well but not hard working. At the Intermediate classes I was his teacher for two years. He was doing well in Botany. He used to do well in the Intermediate classes.

Ques. I have been told that other students who failed in the Intermediate examination once or twice have got first class marks - is it so?

Yes. Yes.

Ques. Can you explain this?

Ans. People who have failed in the Intermediate Examination either in the English or in Elementary Mathematics have done well subsequently, and one of them Mr.Y. M.L.Sarma who failed in the Intermediate examination four times, got a first class in the M.Sc. Examination.

Sd.S.K.Narasimhamurthy,
Lecturer in Botany, Inter.Coll.B'lore.

29th July 1941.

Fifth day. 29th July 1941.

Mr.G.V.Bhakthavathsala Naidu.

Ques. Are you reading in the third year Botany Honours?

Ans. Yes.

Ques. Did anybody borrow your class notes of any kind last year?

Ans. Yes.

Ques. Who was it.

Ans. Many students.

Ques. Why is it that many students have been borrowing your notes.

Ans. Because they are considered to be the best.

Ques. Did your teachersremark to that effect?

Ans. Yes.

Ques. Were these borrowers of your notes your seniors or juniors?

Ans. All the students of the three years.

Ques. Can you mention the name of your seniors between 1940-41?

Ans. Yes.

Ques. What are their names?

Ans. Mr.Alwar Iyengar, Mr.Baliah.

Ques. Of the four kinds of class records what did they borrow?

Ans. They borrowed my library notes.

Ques. Were they not borrowing drawings, slides, etc.?

Ans. No.

Ques. Can you remember what part of the year Mr.Baliah borrowed your notes in 1940?

Ans. About December.

Ques. Can you remember how long he kept the library notes with him.

Ans. They used to take the notes from me now and then and I cannot say how long.

Ques. . . you tell me what part of the year Mr.Alwar Iyengar borrowed your library notes?

Ans. About December or January.

Ques. How long did Mr.Alwar Iyengar keep these notes?

Ans. He kept the notes for a long time.

Ques. Can you not say definitely?

Ans. ...

Ques. When did he last borrow your notes?

Ans. Somewhere about December or January.

Ques. When did he return them?

Ans. I got them back after the Examination. He kept them with him till the examination was over. That is till the first week of March and then I got them back about 10th March.

Ques. What were your preliminary examination subjects?

Ans. English, Second Language and Zoology.

Ques. Therefore had you no need of the notes for your examination?

Ans. No.

Ques. How many note books did you lend him?

Ans. I think about 7 or 8.

Ques. Have you got the books with you?

Ans. They are with me in my room.

Sd.G.V.Bhakthavathsala Naidu
30-7-1941.

Fifth day. 29th July 1941.

Mr.K.N.Seshagiriah.

Ques. Do you remember the distribution of class marks for library notes during the preceding years?

Ans. I think approximately the same.

Ques. We have been told that on account of the fact that these library notes were copied from those of other very good students and so the Department decided to give it a lower maximum this year, as compared with last year?

Ans. Yes.

Ques. What part of the year are this class records from the students collected in the Department?

Ans. Beginning of February. But this time I think it was at the end of January.
(I can't exactly remember the date)

Ques. How long did you keep these with you?

Ans. For about a week they were with me.

Ques. Do youkeep the specimens and also slides with you?

Ans. Yes.

Mr.Seshagiriah further made the following statement:

Since I have given oral evidence I request (~~item-4-in~~) the written statement sent through the Principal-in-charge may be considered as withdrawn.

Ques. Is it true that this boy Mr.Bakthavathsala Naidu has written the best notes in the class?

Ans. I cannot say that, but among the present III Hon/s.students he is one of the best students and has made good notes.

Ques. He has told us just now that his notes were considered very good and therefore students in the III.year and the I.year Honours used to borrow from him his notes. Is this true to your knowledge?

Ans. I do not know.

Sd.K.N.Seshagiriah,
Ag.Assistant Prof.of Botany, C.C.

30-7-1941.

Fifth day. 29th July 1941.

Dr. M.A. Sampathkumaran.

Ques: I have been told by the two members of your staff I examined yesterday that they sent you a list of marks they gave to the class records of the different students who appeared for the honours examination of this year. Is that so?

Ans: My remembrance is Mr. Seshagiriah showed me the list of marks awarded to the candidates.

Ques: Does itmean he did not give you the list but kept it with himself?

Ans; I do not remember.

Ques: Is it the practice then not to get from the valuers of class records a list of marks they have allotted, but merely to look at the list and then send your marks to the College Office?

Ans: We sit together, my colleagues and I and the final marks with their approval are sent. Till the year 1939 Mr. Narayana Rao and myself used to sit together and value all the records and then I used to sign the list and send that to the office. Even last year (1940) Mr. Seshagiriah and myself did the valuation and I sent the marks lists to the College Office. This year Mr. Seshagiriah, to a certain extent with the help of Mr. Rangaswami, valued the records and later had a meeting of these two people and myself and after re-valuation I sent the list to the office.

Ques: You just now said you sent the final marks after 're-valuation'. What does it mean?

Ans: The candidate No.163 did not present his library notes at first. This came to my notice and I sent word to the boy and asked him why he did not submit them. He said he had only a few, and showing some of the library notes of other candidates that he had with him he explained that they were merely copied from books or the notes of other students. I told him to take his as well as of the others that he had with him to Mr. Seshagiriah. Later Mr. Seshagiriah brought the award of the marks to the candidates and had left either a blank or given zero to the candidate 163 in respect of library notes. I told him that it was not fair not to give any marks to the said candidate. For the few books that he had produced he may be given some marks. Since the library notes of all the candidates is more or less copied from other books or notes the maximum may be reduced from 15 to 10. This was agreed to and we gave the candidate, I remember, 2 or 3 marks out of ten for this work. The five marks that were taken off of this part were added to herbarium and the awards under this item were changed i.e., new awards were made. (Intd: M.A.S. 29-7-41).

Ques: When the candidate 163 submitted at your suggestion his own notes and also the notes of other students, did he explain to Mr. Seshagiriah that he was placing before him two different lots of notes?

Ans: I hear he gave these books to the servant who placed them on the table of Mr. Seshagiriah. At the time that they were given to the servant, again I hear that Mr. Seshagiriah was not present ~~in his~~ in his room. So, there is no explanation that ~~s~~ could have been offered at the time of presentation.

Ques: That does not follow. Could he not have left a note?

Ans: He did not.

Ques: What was his intention in submitting the two different lots of books?

Ans: I myself had instructed him to submit the two and explain the nature of the notes that the other students had made.

Ques: Then why did he, as has been told us, cover the books of the other students with paper on which he wrote his own name?

Ans: ~~Ans:~~ I do not know. This was not brought to my notice at that time.

Ques: At least are you ~~are~~ aware that this was done?

Ans: I did not know. I heard of it only recently.

Ques: What would you infer from it?

Ans: I cannot say. So long as I knew what work he had done, I did not take any notice of the way in which the other books were presented. I knew they were not his and my assistants also knew they were not his. That is what I gather from them.

Ques: But did not the covering of the different note books with separate sheets with his name written on them suggest that the candidate wanted them to pass off those books as his own?

Ans: He could not have passed them off as his own. Because I knew the quantity of the work he had done from the number of note books he had shown to me earlier.

Ques: Did the persons who allotted the valuation work also know the amount of work he had done?

Ans: When I explained to them the number of the candidate's own note books they knew the quantity of work done by him.

Ques: Was this explanation given before or after Messrs: Seshagiriah and Rangaswami had valued the class records?

Ans: My explanation was given afterwards. I hear prior to my explanation the candidate himself had explained this to Mr.Seshagiriah that except a few all the books presented by him were not his own.

Ques: What was his purpose in presenting other people's note-books?

Ans: As I have already explained just to show Mr. Seshagiriah the nature of work that is done by the students of the honours class.

Ques: You said in your evidence earlier that you know at least a year ~~ago~~ or two before that your students were in the habit of copying from books in the library or from other's notes. Is it so?

Ans: Yes.

Ques: Was it not for you, therefore, to take necessary action in the matter of discounting such work and not allow the move to be made by one of the students?

Ans: For this reason we gradually Mr. Narayana Rao and myself reduced the importance of these. Since there might be a little use in writing down from the books we thought the boys might be permitted to do this but when they began to copying from other's notes I wanted to stop that, but did not do so this year.

Ques: That does not answer my question. Was it not for you as the head of the Department to take necessary action and not either allow or move a student to take the initiative?

Ans: It is a complaint.

Ques: And was the complaint made at your suggestion?

Ans: No. At his own suggestion.

Ques: Did you not say you asked him to take the 2 sets of books to Mr. Seshagiriah?

Ans: After he showed me the nature of the work done by other students.

Ques: At that stage when you were satisfied with the work done by the student whose note-books you saw was not satisfactory, was it not for you as the head of the Department to take action you deemed necessary and not either ask or allow a student to bring the fact to the notice of your subordinate?

Ans: I should have done it myself. But at that stage I would not have had heart to deprive all the students of a few marks. It is only 15 in a hundred. I had no heart to deprive the students of a few marks. In fact it did not strike me at that time that we should completely abolish the practice just at that time, whether copied from books or from others. They had a pile of note-books.

Ques: Is it not a fact that the note-books of others than his own that your son sent to Mr. Seshagiriah were only those of a second year student?

Ans: At the time that he showed the books he had with him note-books of Bakthavathsala Naidu and of others.

Ques: Did you see for yourself the notes of Bakthavathsala Naidu?

ANS: Yes.

Ques: Were they also typical of the work done by the students in the class or were they good ones?

Ans: Fairly good.

Ques: It has been claimed for them that they are such good notes that students in the 3rd year and the 1st year were in the habit of borrowing them. Do you know anything about this?

Ans: After I heard about this episode I asked Bakthavathsala Naidu about this, and he told me that they were freely borrowed by others of 3rd year as well as 1st year.

Ques: Therefore would you agree that these notes are superior in character to the notes you have condemned?

Ans: I have in my possession a few letters of the students who have passed out this year, who say that their note-books have been borrowed by their friends. So it is not Mr.Bakthavathsala Naidu's books alone that were borrowed.

Ques: I did not say that. I was only comparing the work of his notes with the level of the notes you were saying were of a poor lot. Would they be superior to the average run of the notes in the honours class?

Ans: I cannot exactly say.

Ques: Am I to understand that this man's notes are copied from the notes of the preceding 3rd year student?

Ans: Very largely. Bakthavathsala Naidu admitted he had been copying from other's notes.

Ques: I understand your son borrowed them as early as December or January last and kept them with him till early March of this year. They must have been in that case useful to him.

Ans: I do not know anything about that.

Ques: Would you agree that when a man has been borrowing another's notes and keeping them with him for a long time, that shows some appreciation of the value of the notes?

Ans: I cannot say.

Ques: I put it to you, taking all these facts together, that when your son presented along with his own notes only the notes of this student, and it has been stated that the covers were wrapped up in separate papers with his name written thereon, the intention obviously was not to hold them up as bad notes, but something else?

Ans: I repeat that he could not have presented them as his own notes, since I knew what the work he had done. If he had the note books from December with him as stated above, he could have as well copied those notes and presented them as his own. So, I do not think there is the intention of deceit in this and I did not see that he had written his name on the cover of the note-books.

Ques: When did you inspect the note-books?

Ans: I had inspected them before I asked him to be shown to Mr.Seshagiriah and he had valued them?

Ques: Did you see them after they had been submitted to Mr. Seshagiriah and he had valued them?

Ans: It was not necessary for me to see them. Because I had seen the work of my son and the rest, it was not necessary for me to see them again.

SD. M.A. Sampathkumaran
31-7-1941.

Dr. M.A. Sampathkumaran. Sixth day 30th July 1941

Ques: If your son's purpose was to show the notes of other students as not being what they should be, why did he take the notes of a second year student and not those of a class mate?

Ans: His intention might be enquired into when you examine him.

Ques: Was there a student by name Mr.M.A. Sampathkumaran in the College in recent years?

Ans: Yes.

Ques: When did he graduate?

Ans: Recently.

Ques: When did he pass M.Sc.,?

Ans: I cannot remember. Either 1939 or 1940. I will furnish the information later.

Ques: Was he a student or a member of the staff during 1940-41?

Ans: For three months he was working as a Demonstrator in the Medical School.

Ques: Where did he take his classes?

Ans: He was takig his classes in the Botany laboratory.

Ques: Was his work in the Central College?

Ans: Yes.

Ques: When did his work for this class finish during 1940-41?

Ans: It must be by the end of February. That information will be given later. (From November 18, 41 to Febry: 28, 1941).

Ques: I want to know whether he had any work in the Department in March when the honours examination was going on?

Ans: I do not think he had any work during the practical examination in honours - Botany.

Ques: We have been told he was present during those days in the Botany Department; can you say why?

Ans: So many people who have passed M.Sc.,come to the Department. But strict instructions had been issued that no one who was unconnected with the examinations would be allowed anywhere near the examination hall and I personally saw that these were carried out.

Ques: Why?

Ans: Either to help M.Sc.,students or to cut the sections and prepare slides of the Department. Many past students of the department come to see various members of the staff. He might have come to see Mr.Seshagiriah under whom he was working.

SD. M.A. Sampathkumaran,
31-7-1941.

6th day. 30th July 1941.

Mr.M.A.Alwar Tirumala Iyengar.

Mr.Alwar Iyengar, I propose to ask you a few questions with regard to your candidature at the last Botany Honours Examination. Please answer these questions as carefully and accurately as you can remember.

Reply of Mr.Alwar Iyengar.

Sir, you are responsible for my present state of mind. I am unable to answer the questions. If you will kindly send me the questions in writing I will furnish the answers promptly. I am extremely sorry. Please allow me to go.

Sd.M.A.Alwar Thirumaliengar.

5th August 1941.

(1) Letter dated the 18th May 1941, from Mr.M.A.Alwar Thirumaliengar, to the Registrar, University of Mysore.

I beg to acknowledge receipt of your Memorandum No.29589 dated 16th May 1941, sent through the Principal, Central College, in reply to my letter of 27th April 1941, informing me that "as the University is not satisfied with the conditions under which he (I) was examined it is proposed to examine him(me) again."

I beg that I may be permitted to express my distressed surprise at having received such a reply. So far as I have been able to know I have undergone the B.Sc.Hons.examination under exactly the same conditions as the other candidates; and I am not aware of my havingbroken or acted against any of the rules governing the examinations of the University. I cannot imagine that the University could have meant to apply to me a set of conditions different from those applicable to the other candidates. I am, therefore, utterly unable to understand how or why the University is dissatisfied with the conditions under which I was examined. If there had been anything to be urged against the manner of my examination it might have been communicated to me and my explanation obtained thereon.

I beg to submit that my case has been unnecessarily treated in an exceptionally harsh manner. The University has no doubt offered me the opportunity of sitting for a special examination. But I may permitted to point out that this seeming concession involves a grievous hardship to me in the present state of my feeling caused by the decision of the University. For no fault of mine I have been made to pass through mental anguish for many days, and I pray that in consideration of the above points the University may graciously be pleased to reconsider its decision and afford me relief by publishing my result in the examination for which I have already sat.

For this act of kindness I shall ever remain grateful to the University.

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(2). Letter No.Con.366, dated the 4th July 1941, from the Registrar, University of Mysore, to a referee.

I am desired to forward by separate registered post a packet containing the answer books of the B.Sc.Hons.Examination, Final, 1941, of candidates bearing Reg.Nos.163 to 168, together with the practical answer books, and to request you to go through them and let me know as early as possible whether the answers of any candidate indicate that he had a knowledge of the questions beforehand.

The matter may be treated as strictly confidential.

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(3) D.O.letter No.Ø P.68, dated the 10th July 1941. from the Vice-Chancellor, University of Mysore, to Dr.M.A.Sampathkumaran.

With regard to the enquiry in the matter of the last Honours examination in Botany, I am writing to request that you will be good enough to obtain from your Assistant or Assistants who valued the class records of the candidates for the examination in March 1941, a written statement giving the following details:

1. The kind of class record of each candidate they valued;

2. Whether their records related to the first, second or third year of the course or all the three years;

3. What marks they gave to the records and on what basis;

4. Whether they had in any case any prima facie grounds to feel that the records submitted were suppressed and were not the work of the candidate concerned;

5. If there was any such ground, whether they took any action to get the matter enquired into.

You will be coming to Mysore, I presume tomorrow that is the 11th instant, and should this letter reach you before you leave, I shall be obliged if you will give instructions to the concerned member or members of the staff to prepare this report and sent it to me direct as early as possible.

I shall be glad also if you will kindly let me have the office copy of the marks list which you said last time should be available. Further I shall be glad if you will let me know how you yourself as Professor of Botany dealt with the valuation statement prepared by your Assistant or Assistants, and whether you accepted the valuation, or made your own valuation. In the latter case, how was the difference, if any, dealt with? I shall be glad to have a full note on the subject so that the matter may be enquired into in further detail.

You have not told me yet whether you have been able to obtain the library work records of the candidate concerned. If the candidate is not able to produce the record yet, please let me have from him his reason therefor in writing.

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(4) Letter dated the 16th July 1941, from Dr.M.A.Sampathkumaran, to the Vice-Chancellor, University of Mysore.

With reference to your D.O.No.P.68, dated the 10th July 1941, which I received in Mysore at 5.45. p.m. on the 12th instant I am herein enclosing the written statements called for.

From representation received from one of the candidates (my son) I noticed that the "Library notes" consisted merely of passages copied from books or from the note books of other ~~students~~.

I, therefore, convened a meeting of the valuers and modified with their consent the basis of valuation as under : Laboratory records 50, Herbarium 20, Slides 20, Library notes 10. The final valuation was done jointly by myself and Messrs. Seshagiriah and Rangaswamy.

Concerning the last paragraph of your letter I may be permitted to state that the library notes of my son have always been in his possession and I was waiting for instructions to forward them to you. I am now taking the earliest opportunity of sending them to the Registrar by registered post.

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(5) D.O.letter No.P.102, dated 23rd July 1941, from the Vice-Chancellor, University of Mysore, to Dr.M.A.Sampathkumaran.

I propose to proceed further with the enquiry in connection with the last Honours Examination in Botany. I shall be glad if you will kindly meet me at the Silver Jubilee Technological Institute tomorrow morning at 9 a.m. I shall then furnish you with a list of points on which I should like to have your views, and also a list of other persons whom I would like to examine.

I shall be glad, however, to know tomorrow morning on what basis the number of marks allotted to class records was distributed in the previous years between the different kinds of records.

I have received the mark lists sent by you with your letter of the 22nd instant. I find that the marks for the Botany Honours students are given as one mark and the distribution is not shown as between the different kinds of class records. I presume you have in the Department of Botany a record of such assignment. That record not only for this year but also for the preceding five years may kindly be brought with you.

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(6) D.O.letter dated the 23rd/24th July 1941, from Dr.M.A. Sampathkumaran, the Vice-Chancellor, University of Mysore.

With reference to your D.O.No.102 of even date received by me at 1.10 p.m. I beg to invite your reference to the Ordinance 26 on page 17 of Volume I of the Mysore University Calendar 1939-40, and to the Standing Orders of the Government of Mysore relating to enquiries into the conduct of Public Servants.

During the "Confidential Enquiry" when you examine me I trust that the persons, who as per your telephone conversation this morning would assist you, will not be present.

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(7) Letter dated the 25th July 1941, from Dr.M.A.Sampathkumaran, to the Vice-Chancellor, University of Mysore.

With reference to your personal instructions this morning that I might submit a representation stating my objections for the presence of University Council Members at the Preliminary Confidential Enquiry for the orders of the Government, I may be permitted to invite your kind reference to my D.O.letter of 23rd/24th instant.

I beg to point out once again that I base my objection on Section 26 of the Mysore University Act and the Standing Orders of Government of Mysore in connection with enquiries into alleged misconduct on the part of Government servants(a type-written copy of which you had taken for perusal from me). According to these, the Preliminary Confidential Enquiry can be conducted only by you as my official superior at present, or by an officer specially deputed by Government for the purpose.

A second examination has been orderedfor the candidate in a University Council resolution on the 26th April 1941. Other incidents have occurred subsequently casting suspicion on my conduct and character. So, I consider that it would be very unjust to me and prejudicial to my interests to have any members of the University Council to take part in any enquiry. I strongly feel that this enquiry might be used to find, if possible, evidence to justify an adverse conclusion arrived at much earlier.

In this connection, I beg to represent that you yourself appreciated the reasonableness of my request when I represented to you during the conversation with you on the telephone on the 28th June that no member of the University Council should be a member of the Enquiry Committee, since every member of the University has expressed strong opinions in the consideration of this case. I was indeed happy when you suggested that you would recommend to the Government to appoint a Judge of the High Court to go into this matter.

I cannot conceal from my self that this whole episode is derogatory to my status as a Government Officer of 31 years service, and to my standing as a University Professor. So, I humbly request that you may be pleased in your communication to the Government, to emphasise for kind and generous consideration my feelings regards the presence at the enquiry of others than the Vice-Chancellor, especially as I consider they have prejudged my case. Further, Sir, you have been the Head of Governments for several years, and you have already conducted the enquiry on two days, and I trust that you are satisfied with the manner in which the enquiry has progressed. My only prayer is that, at the enquiry, no University Council Member should be present.

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(8) D.O.letter No.P.119, dated the 26th July 1941, from the Vice-Chancellor, University of Mysore, to ~~kk~~ Dr.M.A.Sampathkumaran.

With reference to your letter dated the 25th instant, I am writing to say that there should be no reference to any conversation between me and you on the 28th June for two reasons. The first is that it is not correct to quote in official documents from conversations or from oral instructions, both of which have to be confirmed. In the second place I have recollection of the conversation, and I am not prepared either to accept or deny the details in the paragraph.

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(9) Letter dated the 26th July 1941, from Dr.M.A.Sampathkumaran, to the Vice-Chancellor, University of Mysore, Mysore.

With reference to your letter No.P.119 of even date, I beg to state that the Manual of General Circulars and Standing Orders, Part I, page 30(pointed out to me this morning) do not apply to this case.

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(10). D.O.letter No.387, dated the 30th July 1941, from Dr.M.A.Sampathkumaran, to the Vice-Chancellorm University of Mysore.

As desired by you, I enclose a statement of marks obtained by the students of the Honours class in Botany, in the I.II and III Year Honours classes during 1938-39, 1939-40 and 1940-41:

	I.Hons.(38-39)		II.Hons.(39-40)		III.Hons.(40-
	I Term.	II Term.	I Term.	July Examn.	I Term.
Max.	100	100	100	100	100
1.M.A.Alwar Tirumala Iyengar. ..	45	51	50	55	52
2.N.K.Ananthanarayana Iyer. ..	82	68	69	66	65
3.B.Baliah ..	58	51	52	50	54
4.M.Basalingappa ..	67	55	51	40	55
5.Gopalakrishna,K.S. ..	68	58	53	57	59
6.Khaleel Ahmed ..	46	49	57	48	55

Statement of marks obtained by Mr.M.A.Alwar Thirumaliengar in the I.Sc.(1938), B.Sc.Hons.Preliminary(1940) and B.Sc.Hons.Final(1941).

I.Sc.1938.

	Part I.		Part II.					Grand Total.
	English.	Sanskrit.	El.Maths.	Chem.	Zoology	Botany.	Total.	
Maximum.	200	100	100	200	200	200	600	1000
Minimum.	80	35	30	60	60	60	210	
SCORE.	85	35	43	103	59 Plus 1	115 - 1	277	440

III.class.

B.Sc.Hons.Preliminary-1940.

	Part.I.	Part II.	Part II. Chemistry.			
	English.	Sanskrit.	Theory.	Class Records.	Class Examn.	Total.
Maximum.	100	100	400	50	50	500
Minimum.	35	35				175
SCORE.	38	38	217	38	13	268.

B.Sc.Hons.(Botany) 1941.

	I	II	III	IV	V	VI.	Total	Ptls.	Class Records.	Class. Examn.	Grand Total
Maximum	100	100	100	100	100	100	600	300	100	100	1100
Minimum							210	105			440
SCORE.	65	63	54	63	48	64	357	201	58	51	667

I.class.

a.	b.	a.	b	c.	b.	a.	d.	a.	e.	a.	b.	
15	17	11	13	11	12	13	8			13	14	
11	12	10	11	11	11	8	10			16	16	
14	15	12	14	9	10	15	13			19	20	
10	13	15	16	10	12	15			8	14	16	
11	12	12	12	10	11	11			8			
61		63		53½		62½	31½		15½	64	=	355

a.Dr.M.A.Sampathkumaran
b.Dr.T.S.Raghavan
c.Mr.L.S.Doraiswamy
d.Mr.M.S.Sabhesan
e.Dr.B.L.Manjunath.

h-3.

Ref: Your enquiry this morning.

1. (a) Laboratory records (Drawings)
   (b) Herbarium
   (c) Slides
   (d) Library Notes.

2. Records referred to all the three years.

3. Do not remember the details.

   (a) 50.
   (b) 15
   (c) 20
   (d) 15

4. The candidate, Alwar in question had not submitted any library notes. When questioned about this he brought next day a few books of his own and some of another student. When questioned as to why he had brought the notes of another boy, he said he had brought them to show how these notes were made up. I did not award any marks for this portion of the work.

5. This matter was brought to the notice of the Professor of Botany. Later the Professor, Mr. Rangaswamy and myself sat together and revalued the work of all the students.

Sd. K.N. Seshagiriah
Asst. Professor of Botany, C.C.

To The Professor of Botany,
Central College.

16th July 1941.

Ref: Your enquiry this morning.

I was asked to help Mr.Seshagiriah by the Professor in the valuation of Honours records at the last moment. By the time I went to him, he had valued all the records. Since the matter of valuation was over, I merely put my signature into the list of marks prepared by Mr.Seshagiriah. At the suggestic of the Professor, all three of us namely, the Professor, Mr.Sesh giriah and myself revalued the work of all the candidates and awarded the marks.

Sd.K.Rangaswamy,
Lecturer in Botany, C.C.

To

The Professor of Botany, C.C.

"Copies"

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19* .

Date of issue.....

Signed by .....

List of enclosures.....

Copied by .....

Examined by Public Servants

Confd

Section

File No.

Serial No.

No.

To

Dear Sir,

With reference to your D.O letter no P 145 dated 29.7.94 to the Minister for Education, requesting a ruling by you whether you could invite the assistance of some of the members of the University Council for the purpose of making further enquiry into the conduct of Dr. M.A. Sampath Kumaran in connection with the Botany Hons Examination of 1994 I am desired to invite your attention to Rules 212-217 regulating enquiry into the conduct of contained in the Manual of

General Circulars & Standing orders,

Yours Sincerely

To

Rajakarya pravina N.S. Subba Rao Esq
M A (Cantab) Bar-at-Law

Vice Chancellor

Mysore University

No. 438/CB

1st August 1941.

CONFIDENTIAL.

Dear Sir,

With reference to your D.O.letter No.P.145 dated 29th July 1941 addressed to the Minister for Education, I am desired to invite your attention to Rules 212-217 regulating enquiries into the conduct of Public Servants, contained in the Manual of General Circulars and Standing Orders.

ours sincerely,

Rajakaryapravina
N.S.Subba Rao, Esq.,M.A.,Bar-at-law,
Vice-Chancellor, University of Mysore,
BANGALORE

Any.

O.B

Please let me see

Sri Sampath Kumaran's file -
(about engineers)

9/8/41

Invd. with the file.

9/8

Seen

9/8/41

UNIVERSITY OF MYSORE

D.O.No.P.
Encl: ~~One set.~~
1) Report
2. Evidence
3). Mr. Narasimha Murthy's statement.

Camp: Bangalore, MYSORE.
Dated, 12th Aug: '41 19

Dear Mr. Imam,

I am sending herewith a copy of my report on the preliminary enquiry into the conduct of the Botany Honours Examination of March 1941 along with copies of the statements made before me by the several members of the staff of the Botany Department who were asked to appear before me. My report was to have been considered by the University Council on the 9th instant, but that morning Mr. S.K. Narasimhamurthy, Lecturer in Botany came to my house and made a statement containing very serious allegations against himself and other members of the Botany Department. The University Council desired that I should proceed further with the enquiry and investigate the allegations made by Mr. Narasimhamurthy before presenting a report on my investigation. While every member of the Council was agreed that Dr. Sampathkumaran should be asked to take leave immediately, in order that the enquiry might proceed without any possible difficulties, the majority of members did not desire that the University Council should pass a formal resolution on the subject requesting Government to place Dr. Sampathkumaran on leave. A resolution to this effect moved by Mr. N. Balakrishnaiya was not passed, but the majority who voted against the resolution desired that Government should be informed that they too wanted Dr. Sampathkumaran to be placed on leave In their view it was not necessary that the University Council should pass a formal resolution on the subject. That is all the difference.

You will see from the evidence given by Mr. K.N. Seshagiriah that a statement he made through the head of the Department was withdrawn by him at the close of his oral evidence, a part of which went against the written statement. Further today one of the Lecturers in the Botany Department who was examined, has made very serious statements with regard to the way in which a candidate was presumably helped ~~in the examination~~ from outside through the mediation of Mr. Narasimhamurthy in the practical Examination.

I am definitely of opinion that my enquiry can be made freely and the staff

of the Botany Department can be examined with their minds at ease, if the Professor of Botany is asked to take leave immediately.

I request in the circumstances that Government will kindly pass orders granting Dr. Sampathkumaran leave in the first instance for one month of the kind he is entitled to.

I shall be obliged for very early orders.

Yours sincerely,

R. S. Subba Rao

J. Mohamed Imam, Esq., B.A.,B.L.,

Bangalore.

Confl

Dear Sir,

With reference to your D.O. letter dated 12th August 1941 re. the enquiry into the conduct of Dr. Sampathkumaran in connection with the Botany Honours Examination of March 1941, I am desired to state that, as there are only a few witnesses to be examined which can be done without the presence of Dr M. A. Sampathkumaran, it is considered not necessary to ask him to take leave.

I am to add that the enquiry may be completed and a report submitted to Govt. with the opinion of the University Council along with the entire records.

(2)

~~Consideration of Govt.~~

Yours sincerely

27/8/41

Rajakaryaprasna

N.S. Subba Rao Esq MLA - Bar-at-law

Vice - Chancellor

27th August 1

CONFIDENTIAL. No. 744/CS

Dear Sir

With reference to your D. O. letter dated 12th August 1941 regarding the enquiry into the conduct of Dr. Sampathkumaran in connection with the Botany Honours Examination of March 1941, I am desired to state that, as there are only a few witnesses to be examined which can be done without the presence of Dr. M. A. Sampathkumaran, it is considered not necessary to ask him to take leave.

I am to add that the enquiry may be completed and a report submitted to Government with the opinion of the University Council, along with the entire records.

Yours faithfully

Rajakaryapravina
N. S. Subba Rao, Esqr., M.A., Bar-at-Law,
Vice-Chancellor, University of Mysore.

UNIVERSITY OF MYSORE

D.O.No.P.485.

MYSORE

Dated, 30th September 1941.

Dear Mr. Imam,

I am sending herewith a full set of papers relating to the enquiry I held recently into the conduct of the Botany Hono-urs Examination of this year. From th Proceedings of the University Council held on the 27th instant, it will be seen that after considering the report, the Council has resolved:-

(1) to cancel the results this year of candidate No.163 (Mr. Alwar Iyengar) and debar him from the Honours Botany Examination of 1942,

(2) to hold again the practical examination (Botany Hons) in the case of th other 5 candidates, since Mr.S.K. Narasimhamurthy stated that 4 of t candidates had been helped by him to some extent. Although this 5t candidate, Mr. Gopalakrishna was stated not to have been given any he the University Council decided that he also should be examined, since the atmosphere of the examination as a whole had been affected in any case,

(3) that Mr. S.K. Narasimhamurthy be reduced to a pay of Rs.125 from Rs.150 the grade Rs.125-175 and that he be disqualified from being appointed to examination work for 6 years to come,

(4) that no action need be taken in the case of Dr.M.A. Sampathkumaran.

Of these several decisions, immediate action has to be taken in the case of item No.2. These 5 candidates were declared to have passed the examination and their results were published in the Mysore Gazette in the usual course. They ha applied to have the degree conferred on them at the ensuing Convocation, but in pursuance of the decision of the University Council, the Registrar will write to them to-day not to come to the Convocation, but to hold themselves ready for a f examination. The expenditure in connection with this examination will not be ve large (probably about Rs.400/- encluding travelling allowance to external examine and may kindly be sanctioned early.

P.T.O.

I request also orders of Government on the proposal to reduce the salary of Mr.S.K. Narasimhamurthy from Rs.150/- to Rs.125/-.

ours sincerely,

K. S. Iswara Rao

J. Mohamed Imam, Esq., B.A.,B.L.,

Camp: Mysore.

Confidential.

University of Mysore.

Proceedings of the Special Meeting of the University Council held on 23rd September 1941, at the University Office, Mysore.

Present:

Rajakaryapravina
Mr.N.S.Subba Rao, M.A.(Cantab) Bar-at-Law.,
Vice-Chancellor and Chairman.

1. Mr.M.Sultan Mohiyuddin, M.A.,LL.B., M.Ed.
2. Mr.Mirle N.Lakshminaranappa, B.A.,LL.B.
3. Rajasevasakta
   Mr.B.K.Narayana Rao, B.A.,M.B.C.M.,M.R.C.S.,etc.
4. Dr.B.Sanjiva Rao, M.A., Ph.D.
5. Mr.K.B.Madhava, M.A.,F.R.A.S., A.I.A.
6. Mr.J.C.Rollo, B.A. M.A., J.P.
7. Mr.A.B.Mackintosh, M.A., Dip.Edn., J.P.
8. Dr.J.F.Robinson, B.A.,M.D., F.A.C.S., F.R.C.S.E.,
9. Rajadharmapravina
   Diwan Bahadur Mr.P.Mahadevayya, B.A., B.L.
10. Mr.N.Balakrishnaiya, B.A., LL.B.

Dr.C.S.Pichamuthu, B.Sc., Ph.D., F.R.S.E., F.G.S.,
Registrar and Secretary.

Absent.

1. Mr.Gulam Ahmed Kalami
2. Dr.M.C.Albuquerque, L.R.C.P.,M.R.C.S., L.M.,F.C.O.G.

SUBJECT:

B.Sc.Hons.Examination in Botany : 1940-41.

(i) Council resolution dated the 9th August 1941.

(ii) Letter No.744/C.B.dated 27th August 1941,from the General Secretary to Government, to the Vice-Chancellor.

(iii) Further proceedings of the enquiry.

(iv) Report of the Vice-Chancellor.

(v) Mr.Mahadevayya's letter dated 11th September 1941 to the Vice-Chancellor.

(vi) The Vice-Chancellor's remarks on Mr.Mahadevayya's letter of 11th September 1941.

Mr.Mahadevayya proposed at the outset that since Dr.M.A. Sampathkumaran had made serious allegations against the Council, he must be asked to substantiate his statement or withdraw them and tender an unqualified apology.

Mr.Rollo suggested that the proposal should be taken up along with the general question.

Mr.B.K.Narayana Rao said that the item on the agenda, i.e., the "Report of the Vice-Chancellor" and Mr.Mahadevayya's letter to the Vice-Chancellor dated 11th September 1941 and the latter's remarks thereon should be taken up first and that all these questions may be taken up in their proper place.

The Vice-Chancellor said that he had no objection to have the proposition considered, but first Mr.Mahadevayya's letter should be considered since it raised two important issues:-

1.The accuracy of record of the Council resolution;
2.The validity of the report of the Vice-Chancellor.

Mr.Mahadevayya drew attention to the last paragraph of the Vice-Chancellor's letter to the University Council Members dated the 26th July, in which he promised to supply to the Council necessary data for such further action or enquiry as the Council might decide upon, after receipt of the decision of the Government on his reference. Mr.Mahadevayya contended that in sending a report, the Vice-Chancellor had not fulfilled his promise to the University Council, and he moved that this view be accepted by the House.

Mr.Balakrishnaiya next proposed that "notwithstanding irregularities, if any in the conduct of the enquiry, the report of the Vice-Chancellor and the evidence may be taken for consideration."

Mr.Rollo moved that "the Council considers that the procedure adopted by the Vice-Chancellor is entirely satisfactory."

Mr.Mirle Lakshminaranappa next moved that "the procedure adopted by the Vice-Chancellor being in conformity with the resolutions of the University Council passed on the 19th July, the record of which was confirmed on the 9th August, the house do proceed to consider the report."

Mr.Rollo accepted Mr.Mirle Lakshminaranappa's proposition and so withdrew his own.

The resolutions were then put to vote one after another with the following results:-

1.Mr.Mahadevayya's proposition:	For.	.. 1	
	Neutral	.. 2	
	Against	.. 7	LOST.

2.Mr.Balakrishnaiya's proposition:
(Poll was demanded)

For	.. 2	..	1.Mr.Balakrishnaiya & 2.Mr.Mohiyuddin.
Neutral	.. 1	..	Mr.Mahadevayya.
Against	.. 7	..	Messrs.1.Mirle N.Lakshminaranappa, 2.Mxx B.K.Narayana Rao, 3.B.Sanjiva Rao 4.K.B.Madhava, 5.J.C.Rollo, 6.A.B. Mackintosh & 7.J.F.Robinson.

LOST.

3.Mr.Mirle N.Lakshminaranappa's proposition:

For	.. 7
Neutral	.. 1
Against	.. 2

PASSED.

The Vice-Chancellor said that the Council should proceed, before going on to the report, to examine the specific allegations that Mr.Mahadevayya had made against the Vice-Chancellor, such as being in "Secret agreement" with Dr.M.A.Sampathkumaran.

Mr.Narayana Rao drew attention to remarks made by Mr.Mahadevayya in Section IV of his letter with regard to the attitude of some members of the University Council on the 31st May 1941 which he considered highly objectionable, and so wanted these remarks to be either withdrawn or substantiated.

Mr.Mahadevayya at this stage pointed out that with reference to his letter of the 11th September and the Vice-Chancellor's remarks thereon the correct thing was to have a tribunal of the University Council members to go into the matter, from which both the Vice-Chancellor and ths speaker(Mr.Mahadevayya) should be excluded. He added, that the seniormost member of the University Council then present should take the chair while the subject was being discussed. He moved that such a tribunal be constituted. This proposition was put to vote and LOST : 2 voting for and 8 against.

(When the University Council reassembled after tea, the following subject was taken up on account of its urgency:-

(i) Resolution of the University Council dated the 11th July 1941, that the class in which the candidates bearing Reg.No.29,35 and 36 of the M.Sc.degree examination of 1941 are placed will be notified later; and that the theses of these candidates be sent to a third examiner for re-valuation.

(ii) Report of the third examiner on the valuation of the theses of candidates No.35 and 36 (Botany).

RESOLVED that the class of the candidates Nos.35 and 36(Botany) be now announced.

Further RESOLVED that if the valuation of the third examiner of the M.Sc.thesis No.29(Chemistry) is not received in time, the present valuation be allowed to stand and the class announced, and if it is received in time, the Vice-Chancellor be authorised to announce the result on the basis of the average mark of the three valuations.

Mr.Narayana Rao's suggestion was taken up for consideration.

Mr.Rollo moved that "these two documents, viz., Mr.Mahadevayya's letter dated the 11th September 1941 and the Vice-Chancellor's remarks thereon dated the 19th September 1941 shall not form part of the records of the University Council.

At this stage, at the suggestion of some members, the Vice-Chancellor asked Mr.Mahadevayya whether he was willing to withdraw his letter. Mr.Mahadevayya replied that he was sorry he could not do it.

Mr.Rollo thereupon withdrew his proposition.

Mr.B.K.Narayana Rao then moved that the words "in the course of the lengthy discussions on 31-5-41, it will be remembered that some members expressed their apprehension that the enquiry into the conduct of the son might perhaps lead to revelations unfavourable to the father and therefore opposed the enquiry, and you yourself were pleased to remark in your circular letter dated 4th July 1941, that "they would not look upon an enquiry by the Council or its committee as giving Dr.Sampathkumaran a fair and impartial enquiry." But such a theory did not commend itself to the other members who insisted upon an enquiry in the interests of purity and prestige of the University. Thereupon, the members who opposed an enquiry raised a fresh objection on the authority of the standing orders of Government relating to enquiries into the conduct of public servants, and contended that the Government must be requested to appoint an independent officer to hold the enquiry. The Council considered this aspect of the question also, but it found no support and the Council

ruled it out after some discussion. It was held that in such an event the Council would be abdicating its statutory functions, and that the said standing orders of Government are inapplicable to the case before the Council and could not be deemed to oust its jurisdiction. The Council then passed the resolution on 31-5-41. This unanimous resolution was legally binding on you as well as on Dr.Sampathkumaran, and it was not open to you to have allowed him to re-open the same question again in direct violation of the adverse decision of the Council. Nor was it open to you to have acted contrary to ~~the adverse~~ that decision and nullified it, as you have done, and upheld Dr.Sampathkumaran's objection." be deleted from the records of the Council, as they were untrue and highly objectionable.

Mr.Mahadevayya said :

I have made no remarks against Mr.B.K.Narayana Rao. "Some members," cannot be interpreted as Mr.Narayana Rao. His complaint is manifestly inadmissible and cannot be entertained. The statements made in the para are quite correct. There is no substance in the allegation that I have used strong language. On the other hand, it was Mr.Narayana Rao himself who used, on that date, the following unforgettable expressions while addressing the Vice-Chancellor : "You are murdering the boy, and poisoning the Professor. Hence, the credit for using strong language must be given entirely to Mr.Narayana Rao. Again, Mr.Narayana Rao has admitted just now, that he himself was the person "who raised a fresh objection on 31-5-41 on the authority of the Standing Orders of Government and contended that Government must be requested to appoint an independent officer to hold the enquiry," as stated by me in para IV of my letter. Hence, Mr.Narayana Rao has no grievance; and he has complained for the mere pleasure of making a complaint against me. The correctness of my statement has thus been proved, and as pointed out by me in my letter, the Vice-Chancellor was estopped from allowing the same objection to be raised once again by the Professor himself at the enquiry.

While I was addressing the house on a different proposition, with the permission of the Council and the Vice-Chancellor, Mr.Narayana Rao entered the Council room on 23-9-41 and said he was sorry for being late on account of car trouble, and sat down.

But the Vice-Chancellor interrupted me and informed Mr.Narayana Rao on what subject I was speaking, and how I was demanding a fulfillment of the assurance contained in the last para of his circular letter dated the 26th July 1941. Mr.Narayana Rao at once began to question my right to speak on that subject, and insisted on my speaking on my letter of protest, and also brought the complaint above referred to against me, and discussion was allowed on his complaint. This procedure entirely prejudiced me, and I enter my strong protest against it."

Mr.Narayana Rao's proposition was then put to vote and passed, the results of voting being:

For	..	5
Against	..	1
Neutral	..	4

Mr.Mirle Lakshminaranappa then moved that this Council resolves that "all allegations and imputations against the Vice-Chancellor contained in the letter of Mr.Mahadevayya dated the 11th September 1941 are wholly unjustified and therefore be expunged from the records."

Mr.Mahadevayya said that he had the right to begin and state all his reasons in support of his letter of protest of 11th Septr. 1941 in order to convince the University Council of the correctness of his arguments, inferences, and propositions. And before that right could be exercised, another member moved his proposition referred to, and therefore he desired to oppose the proposition.

At this stage the meeting was adjourned to 27th September 1941.

Sd.N.S.Subba Rao,
Vice-Chancellor and Chairman.

"Copy"

Registrar

UNIVERSITY OF MYSORE

Proceedings of the adjourned special meeting of the University Council held in the University Office, Mysore, on Saturday the 27th September 1941, at 12:30 p.m.

Present:

Rajakaryapravina
Mr.N.S.Subba Rao, B.A.,Bar-at-Law.,
Vice-Chancellor and Chairman.

1. Mr. Mirle N. Lakshminaranappa, B.A.,LL.B.,
2. Rajasevasakta Mr.B.K. Narayana Rao, B.A.,M.B.C.M.,L.R.C.P.,M.R.C.S., D.P.H., D.O.,
3. Dr.B.Sanjiva Rao,M.A.,Ph.D.,
4. Mr.J.C. Rollo, M.A.,J.P.,
5. Mr.A.B.Mackintosh, M.A.,Dip.Edn.,J.P.,
6. Dr.J.F.Robinson,B.A.,M.D.,F.R.C.S.E.,
7. Rajadharmapravina Diwan Bahadur Mr.P.Mahadevayya,B.A.,B.L.,
8. Mr.N.Balakrishnaiya, B.A.,LL.B.,
9. Miss M.C.Albuquerque, L.R.C.P.,M.R.C.S.,L.M.,F.C.O.G.,

Dr.C.S.Pichamuthu,B.Sc.,Ph.D.,F.R.S.E.,F.G.S.E.,
Registrar and Secretary.

Absent:

1. Mr.M.Sultan Mohiyuddin, M.A.,LL.B.,M.Ed.,
2. Mr.K.B.Madhava,M.A.,R.F.A.S.,A.I.A.,
3. Mr.Gulam Ahmed Kalami.

Mr.Mahadevayya suggested that the para on the first page of the draft proceedings - "Mr.B.K.Narayana Rao said that the item on the agenda i.e., the "Report of the Vice-Chancellor" and Mr.Mahadevayya's letter to the Vice-Chancellor dated 11th September 1941 and the latter's remarks thereon should be taken up first and that all these questions may be taken up in their proper place." - should come on page 2 after the para -"Mr. Mahadevayya drew attention to the paragraph of the Vice-Chancellor's letter to the University Council Members dated the 26th July, in which he promised to supply to the Council necessary data for such further action or enquiry as the Council might decide upon, after receipt of the decision of the Government on his reference. Mr. Mahadevayya contended that in sending a report, the Vice-Chancellor had not fulfilled his promise to the University Council, and he moved that this view be accepted by the House."

This was rejected by four votes against one.

Mr. Mahadevayya then spoke for about 45 minutes making remarks of an introductory character, and said that within the additional 15 minutes offered t

he could not speak on the proposition for want of time. He also pointed out - that no copies of the proceedings of the meeting of the 23rd September had been sent to him though he had asked for it in his letter of the 26th instant. The Vice-Chancellor said that copies could not be sent earlier since the statement promised by Mr. Mahadevayya was received only on the 27th morning.

Mr. Mirle Lakshminaranappa's proposition that this Council resolves that "all allegations and imputations against the Vice-Chancellor contained in the letter of Mr. Mahadevayya dated the 11th September 1941 are wholly unjustified and therefore be expunged from the records,"was then put to vote and passed, - 6 voting for 2 against, and 1 neutral.

Mr. Balakrishnaiya then moved the following resolution:-

"This Council resolves that the Vice-Chancellor has insulted the three honourable members of this Council who have been charged by this Council to help him in this enquiry by dropping them down at the mere protest of the Professor, with which he did not agree, and thus owes an apology to those members and to this Council."

Mr. Lakshminaranappa moved that leave should not be given to move this resolution because of two earlier resolutions of the Council held on the 9th August and 23rd September 1941.

Mr. Balakrishnaiya said that no permission was necessary when the subject matter referred to the main business under discussion.

The question as to whether the proposition could be moved was put to vote and lost, three voting for and six against.

The Report of the Vice-Chancellor on the conduct of the B.Sc.,Hons: Examination (in Botany) 1941, was then considered:

A discussion ensued and the following members spoke in the order given:-

1. Mr.A.B.Mackintosh,
2. Dr.B. Sanjiva Rao,
3. Dr.Robinson,
4. Mr.Mahadevayya,
5. Miss M.C.Albuquerque,
6. Dr.B.K.Narayana Rao,
7. Mr.J.C.Rollo,
8. Mr.Mirle N.Lakshminaranappa,
9. Mr.N.Balakrishnaiya,

The following specific questions were then put to vote:-

1. Did Mr.S.K.Narasimhamurthy help illicitly the candidates generally in the Practical Examination of the Botany Hons: Examination of 1941?

Yes .. 7
No .. 1
Mr.Balakrishnaiya did not vote.

II. Did Mr.Alwar Iyengar present another student's library records as his own?

Yes .. 5
No .. 4

III. Did Mr. Alwar Iyengar get illicit help from Mr.M.A.Sampathkumaran in the practical examination?

Yes .. 6
No .. 2

Mr.A.B.Mackintosh did not vote.

IV. Was Dr. Sampathkumaran aware that his son was presenting some other student's library notes as his own?

Yes .. None
No .. 9

V. Did Dr.Sampathkumaran become aware that his son had so presented, and endeavour to cover traces of it?

Yes .. 3
No .. 5
One did not vote.

VI. Is the University Council satisfied with Dr. Sampathkumaran's maintenance of record of marks for class work?

Yes .. None
No .. 7
Neutral .. 2

VII. Is the University Council satisfied with Dr.M.A. Sampathkumaran's procedure in putting Mr.S.K.Narasimhamurthy to assist in the Practical Examinati and his explanation therefor?

Yes .. None.
No .. 7
Neutral.. 2

VIII. Is the University Council convinced that Dr. Sampathkumaran interfered with the evidence of his subordinates before the Vice-Chancellor?

Yes .. 5
No .. 4

IX. Is the University Council satisfied with Dr. Sampathkumaran's attitude towards the University Council and the Vice-Chancellor?

Yes .. None
No .. 6
Rest not voting.

X. Is the University Council convinced that the candidate No.163, had access to inside information as regards the question papers (theory) of the Botany Hons: Examination?

Yes .. 3
No .. 5
One member did not vote.

The question of the action to be taken was then considered:-

1. Regarding Mr. Alwar Iyengar.

Mr. J.C. Rollo moved that the results of candidate No.163 in the Botany Hons: Examination of 1941, be cancelled and that he be debarred from the University Examination of 1942.

Mr. Mackintosh proposed that the words "and that he be debarred from the University Examination of 1942" be omitted:

This amendment was put to vote:

For .. 2
Against .. 7 L O S T.

Mr. Rollo's proposition was put to vote and passed - six voting for and three against.

Mr. Balakrishnaiya's proposition to debar the candidate permanently was put to vote and lost - two voting for and seven against.

2. "Resolved that a Practical Examination according to the present scheme be held for all candidates:"

The resolution was put to vote and carried - five voting for and three - against; Mr. Mackintosh did not vote.

3. Mr.S.K.Narasimhamurthy:

Several proposals were made:-

(1) To be treated as an approver and excused - Lost, two voting for and seven against.

(2) To debar him permanently from Examinership - Lost, four voting for and five against.

(3) To debar him from Examinership for six years - passed, seven voting for and 2 against.

(4) To reduce his salary to Rs.125 from Rs.150 - passed, six voting for and two against. One did not vote.

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4. Dr.M.A. Sampathkumaran:

(1) Mr. Balakrishnaiya moved that he be suspended and prosecuted - Lost, one voting for, seven against and one remaining neutral.

(2) Mr. Mahadevayya moved that he be dismissed from service - Lost, two votin for and seven against.

(3) Dr.B.K.Narayana Rao moved that no action be taken - five voting for, - three against and one remaining neutral.

(4) Mr. Mirle N. Lakshminaranappa moved that Dr. Sampathkumaran be granted all the leave on full pay, that he was entitled to, preparatory to retirement - two voting for, three against and four remaining neutral.

Then, the letter dated 18. 9. 1941 from Mr. Mahadevayya regarding the question of the several appointments in the University which were made at the - meeting of the University Council held on the 13th September 1941 was taken into consideration.

The Vice-Chancellor wanted to know whether the University Council desir reopen the question of these appointments. The Council was not in favour o such reopening, one voting for and six against. Two did not vote.

Registrar & Secretary. 30.9.41

Vice Chancellor & Chairman 30/9/41.

Dated: 30th Septr: 1941.

Confidential

University of Mysore.

Proceedings of the adjourned special meeting of the University Council held in the University Office, Mysore, on Saturday the 27th September 1941, at 12.30 p.m.

Present.

Rajakaryapravina
Mr.N.S.Subba Rao, M.A., Bar-at-Law.,
Vice-Chancellor and Chairman.

1. Mr.Mirle N.Lakshminaranappa, B.A., LL.B.
2. Rajasevasakta Mr.B.K.Narayana Rao, B.A.,M.B.C.M., L.R.C.P., M.R.C.S., D.P.H., D.O.
3. Dr.B.Sanjiva Rao, M.A., Ph.D.
4. Mr.J.C.Rollo, M.A., J.P.
5. Mr.A.B.Mackintosh, M.A.,Dip.Edn., J.P.
6. Dr.J.F.Robinson, B.A.,M.D.,F.R.C.S.E.
7. Rajadharmapravina Diwan Bahadur Mr.P.Mahadevayya,B.A.,B.L.
8. Mr.N.Balakrishnaiya, B.A., LL.B.
9. Miss M.C.Albuquerque, L.R.C.P.,M.R.C.S.,L.M.,F.C.O.G.

Dr.C.S.Pichamuthu, B.Sc.,Ph.D.,F.R.S.E., F.G.S.,
Registrar and Secretary.

Absent.

1.Mr.M.S.Mohiyuddin, M.A.,LL.B.,M.Ed.
2.Mr.K.B.Madhava, M.A.,F.R.A.S.,A.I.A.
3.Mr.Gulam Ahmed Kalami.

Mr.Mahadevayya suggested that the para on the first page of the draft proceedings - "Mr.B.K.Narayana Rao said that the item on the agenda i.e., the "Report of the Vice-Chancellor" and Mr.Mahadevayya's letter to the Vice-Chancellor dated 11th September 1941 and the latter's remarks thereon should be taken up first and that all these questions may be taken up in their proper place." - should come on page 2 after the para - "Mr.Mahadevayya drew attention to the paragraph of the Vice-Chancellor's letter to the University Council Members dated the 26th July, in which he promised to supply to the Council necessary data for such further action or enquiry as the Council might decide upon, after receipt of the decision of the Government on his reference. Mr.Mahadevayya contended that in sending a report, the Vice-Chancellor had not fulfilled his promise to the University Council, and he moved that this view be accepted by the House."

This was rejected by four votes against one

Mr.Mahadevayya then spoke for about 45 minutes making remarks of an introductory character, and said that within the additional 15 minutes offered to him, he could not speak on the proposition for want of time. He also pointed out that no copies of the proceedings of the meeting of the 23rd September had been sent to him though he had asked for it in his letter of the 26th instant. The Vice-Chancellor said that copies could not be sent earlier since the statement promised by Mr.Mahadevayya was received only on the 27th morning.

Mr.Mirle Lakshminaranappa's proposition that this Council resolves that "all allegations and imputations against the Vice-Chancellor contained in the letter of Mr.Mahadevayya dated the 11th September 1941 are wholly unjustified and therefore be expunged from the records," was then put to vote and passed - 6 voting for 2 against and 1 neutral.

Mr.Balakrishnaiya then moved the following resolution:-

"This Council resolves that the Vice-Chancellor has insulted the three honourable members of this Council who have been charged by this Council to help him in this enquiry by dropping them down at the mere protest of the Professor, with which he did not agree, and thus owes an apology to those members and to this Council."

Mr.Lakshminaranappa moved that leave should not be given to move this resolution because of two earlier resolutions of the Council held on the 9th August and 23rd September 1941.

Mr.Balakrishnaiya said that no permission was necessary when the subject matter referred to the main business under discussion.

The question as to whether the proposition could be moved was put to vote and LOST, three voting for and six against.

The Report of the Vice-Chancellor on the conduct of the B.Sc.Hons:Examination(in Botany), 1941, was then considered:

A discussion ensued and the following members spoke in the order given:-

1. Mr. A. B. Mackintosh
2. Dr. B. Sanjiva Rao
3. Dr. J. F. Robinson
4. Mr. P. Mahadevayya
5. Miss M. C. Albuquerque
6. Dr. B. K. Narayana Rao
7. Mr. J. C. Rollo
8. Mr. Mirle N. Lakshminaranappa
9. Mr. N. Balakrishnaiya

The following specific questions were then put to vote:-

1. Did Mr. S. K. Narasimhamurthy help illicitly the candidates generally in the Practical Examination of the Botany Honours Examination of 1941?

Yes.	..	7
No.	..	1
Neutral	..	1

2. Did Mr. Alwar Iyengar present another student's library records as his own?

Yes.	..	5
No.	..	4

3. Did Mr. Alwar Iyengar get illicit help from Mr. M. A. Sampathkumaran in the practical examination?

Yes.	..	6
No.	..	2
Neutral	..	1

4. Was Dr. Sampathkumaran aware that his son was presenting some other student's library notes as his own?

Yes.	..	None
No.	..	9.

5. Did Dr. Sampathkumaran become aware that his son had so presented, and endeavour to cover traces of it?

Yes.	..	3
No.	..	5
Neutral	..	1

4. Is the University Council satisfied with Dr. Sampathkumaran's maintenance of record of marks for class work?

Yes.	...	None.
No.	..	7
Neutral	..	2

7. Is the University Council satisfied with Dr.M.A.Sampathkumaran's procedure in putting Mr.S.K.Narasimhamurthy to assist in the Practical Examination and his explanation therefor?

Yes. .. None
No. .. 7
Neutral .. 2

8. Is the University Council convinced that Dr.Sampathkumaran interfered with the evidence of his subordinates before the Vice-Chancellor?

Yes. .. 5
No. .. 4

9. Is the University Council satisfied with Dr.Sampathkumaran's attitude towards the University Council and the Vice-Chancellor?

Yes. .. None
No. .. 6
Neutral .. 3

10. Is the University Council convinced that the candidate No.163, had access to inside information as regards the question papers(theory) of the Botany Honours Examination?

Yes. .. 3
No. .. 5
Neutral .. 1

The question of the action to be taken was then considered:

1.Regarding Mr.Alwar Iyengar.

Mr.J.C.Rollo moved that the results of candidate No.163 in the Botany Honours Examination of 1941, be cancelled and that he be debarred from the University Examination of 1942.

Mr.Mackintosh proposed that the words "and that he be debarred from the University Examination of 1942" be omitted:

The amendment was put to vote:

For .. 2
Against .. 7

LOST.

Mr.Rollo's proposition was put to vote and PASSED - six voting for and three against.

Mr.Balakrishnaiya's proposition to debar the candidate permanently was put to vote and LOST - two voting for and seven against.

2."RESOLVED that a Practical Examination according to the present scheme be held for all candidates."

The resplution was put to vote and carried - five voting for and three against - one neutral

3. Mr.S.K.Narasimhamurthy

Several proposals were made:

(1) Mr.Mahadevayya moved that he be treated as an approver and excused - LOST, two voting for and seven against.

(2) Mr.Rollo moved that he be debarred permanently from examinership - LOST, four voting for and five against.

(3) Dr.B.Sanjiva Rao moved that he be debarred from Examinership for six years - PASSED - seven voting for and 2 against.

(4) Mr.B.K.Narayana Rao moved that his salary be reduced to Rs.125 from Rs.150 - PASSED, six voting for and two against. One did not vote.

4.Dr.M.A.Sampathkumaran.

(1) Mr.Balakrishnaiya moved that he be suspended and prosecuted - LOST, one voting for, seven against and one remaining neutral.

(2) Mr.Mahadevayya moved that he be dismissed from service - LOST, two voting for and seven against.

(3) Mr.B.K.Narayana Rao moved that no action be taken - LOST- three voting for, five against, and one remaining neutral.

(4) Mr.Mirle N.Lakshminaranappa moved that Dr.Sampathkumaran be granted all the leave on full pay, that he was entitled to, preparatory to retirement - LOST, two voting for, three against and four remaining neutral.

Then, the letter dated the 16th September 1941, from Rajadharmapravina Diwan Bahadur Mr.P.Mahadevayya, regarding the question of the several appointments in the University which were made at the meeting of the University Council held on the 13th September 1941 was taken into consideration.

The Vice-Chancellor wanted to know whether the University Council desired to reopen the question of these appointments. The Council was not in favour of such reopening, one voting for and six against.

Sd.N.S.Subba Rao,
Vice-Chancellor & Chairman.

"Copy"

Registrar.

C.507

UNIVERSITY OF MYSORE

DR. C. S. PICHAMUTHU,
B.Sc., Ph.D. (Glas.), F.R.S.E., F.G.S.,
Offg. Registrar.

MYSORE

Dated 4th October *1941*

CONFIDENTIAL

5/11/41

Dear Mr.Appaji Gowda,

With reference to your D.O.letter dated the 1st November 1941, I am desired to note below the information required therein:

1. Marks obtained by Mr.M.A.Alwar Iyengar in the Practical Examination.

   (Maximum: 100 for each paper)

   I. 67
   II. 75
   III. 59 Total 201.

2. Mr.Alwar Iyengar failed in the Intermediate Examination of 1937.

3. S.S.L.C.Marks obtained by Mr.M.A.Alwar Iyengar(1935): Pass Class. Total 600

English	..	43
Second Language	..	64
History & Geography	..	47
Elementary Mathematics.		60
Elementary Science	..	54
Additional Subject	..	42
	Total	310

Yours sincerely,

C.S. Pichamuthu
4.11.41

J.Appaji Gowda, Esq., B.A.(Hons.),

Tel. Address: 'UNIREG.'
Telephone No. 277.

University of Mysore

No. C.491
Enc. 2

Office of the University of Mysore
MYSORE

16th October 1941.

FROM

DR. C. S. PICHAMUTHU, B.Sc., PH.D. (GLAS.), F.R.S.E., F.G.S.,
REGISTRAR, UNIVERSITY OF MYSORE,
MYSORE.

TO

J.Appaji Gowda, Esq., B.A.(Hons.),
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

17/10

Sir,

In continuation of the Vice-Chancellor's D.O. letter No.P.485, dated 30th September 1941, to the Minister for Education, forwarding a full set of papers relating to the enquiry into the conduct of the Botany Honours Examination of 1941, I am directed to forward herewith a revised copy of the proceedings of the adjourned special meeting of the University Council held on Saturday the 27th September 1941.

The following are the modifications in the proceedings:-

(1) Names of persons who remained neutral while voting have been omitted.

(2) Names of propoers in item 3 on page 5 have been inserted.

(3) The resolution 3 of item 4 on page 5 has been revised.

(4) The resolution 4 of item 4 on page 6 has been noted as LOST.

I am also to forward herewith a copy of the proceedings of the special meeting of the University Council held on 23rd September 1941.

I have the honour to be,
Sir,
Your most obedient servant,

C. S. Pichamuthu

Registrar.

Tel. Address: 'UNIREG.'
Telephone No. 277.

University of Mysore

GEN. 1827 24 OCT. EDUCATION BRANCH.

Office of the University of Mysore
MYSORE

No. C.494
Enc. 1

22nd October 1941.

FROM
DR. C. S. PICHAMUTHU, B.Sc., PH.D. (GLAS.), F.R.S.E., F.G.S.,
REGISTRAR, UNIVERSITY OF MYSORE,
MYSORE.

TO
J.Appaji Gowda, Esq., B.A.(Hons.),
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

In continuation of this office letter No.C.491, dated the 16th October 1941, forwarding a revised copy of the proceedings of the adjourned special meeting of the University Council held on Saturday the 27th September 1941, I am directed to forward herewith a no received from Rajasevasakta Mr.B.K.Narayana Rao, dissening from some of the decisions and pleadings for their re-consideration.

not received in the Edn. Br

I have the honour to be,
Sir,
Your most obedient servant,
Chas Krishnamurti
22.10.41
Registrar.

Submitted for perusal. If appd., this letter sent to C.B. where the question referred to is dealt with.
24/10 25/10 for perusal
Genl Secy) 27/10

GENERAL SECRETARY.
28 OCT. 1941
2438

27/10

University of Mysore.

Letter dated the 30th September 1941, from Rajasevasakta Mr.B.K.Narayana Rao(Camp) Mysore, to the Registrar, University of Mysore.

With regard to some of the decisions of the University Council at its meeting on the 27th instant, I strongly feel that there has not been a sufficient appreciation of evidence and of circumstances and that in the interest of justice to individuals and of prestige of the University these few decisions deserve a reconsideration. I propose sending a note of dissent in 2 or 3 days including a plea for reconsideration.

As you are aware I am a Dasara Guest here and these are holidays and full of engagements and I lack the conveniences and references to send the note immediately. I shall return to Bangalore tomorrow and expect to send the note in a couple of days. I request that it may not be invalidated on mere technical grounds, if any, but put up for consideration by the University Council at a future meeting. I only hope that this suggestion will not be considered as "not in order."

Please bring this to the kind notice of the learned Vice-Chancellor.

Letter dated the 2nd October 1941(received on 4th October 1941) from Rajasevasakta Mr.B.K.Narayana Rao, to the Registrar, University of Mysore.

In continuation of my letter of 30th September 1941 and with reference to the discussions at the Special Meeting of the University Council on the 27th of September and the decisions arrived at, I wish to send this note dissenting from some of the decisions and pleading for their reconsideration as I strongly feel that they were the outcome of not very dispassionate weighing of evidence and appreciation of circumstances. To show how the consideration of the question was not dispassionate, I may cite, among many that could be cited, just two indidents -(1) the proposal seriously made to dismiss and to prosecute the professor when but a few minutes previously it had been decided by a majority that nothing definitely very serious had been proved against him and (2) the proposal to cancel the University Degrees awarded perhaps long ago to an ex-post-graduate(Mr.M.A.Sampathkumaran, M.Sc.) simply because he had the impudence(even assuming it to be so) to refuse to attend further enquiries by the Vice-Chancellor, as a witness. What lack of a sense of proportion is revealed by this can be appreciated when we remember that there have been extremely few - if any - cases of cancellation of degrees by this or other Indian Universities even when their graduates have been convicted in properly constituted courts of law of criminal felories such as defalcations, thefts, arson, perjury etc., involving grave moral turpitude.

Regarding the decisions :-

A. About the Professor:

It was, on the whole good that the University Council could come to no definite conclusions regarding action, if any, against him, thus leaving the whole matter to the detached and dispassionate scrutiny and judgment of Government whose decisions would naturally be considered as unprejudiced and just.

B. Regarding all the candidates of the Botany B.Sc.(Hons.) of 1941.

The decision to hold a re-examination appears to me to be inexpedient, unwise and to a great extent, unjust. This decision is chiefly based on the very belated, uncorroborated, sensational "confession" of Mr.Narasimhamurthy, an admittedly wrong-doer and according to many reports, an unbalanced neurotic. He confesses among many other doings, to having helped a few examinees to a very limited extent at one practical test and in some cases even when they did not seek such help. Even if there be some truth in this (& I do not think there is) perhaps, in such very doubtful circumstances and considering the lapse of time(more than five months) after publication of results and the consequent decisions that the successful candidates were encouraged to take regarding their future studies and careers it sould have been wise to either preferably leave the already published results alone or take some steps, such as reduction of marks, affecting only ranks and class. How cruelly unjust and ruining the life of the candidates and how badly lowering the reputation of the University such a decision would be can be imagined if one or more of these youngmen had chosen, instead of continuing to study for M.Sc., here, to join other Universities, or Professional Colleges on the basis of their published passes. That such a tragic situation has fortunately not risen is no argument for the wisdom or justice of the decision.

If the confession of Mr.Narasimha Murthy has to be swallowed as true and if further, it was so strongly felt that in the interest of the "prestige" of the University nothing but a second examination of suspected candidates would avail, then, why in the name of consistency and truth should the one candidate to whom the confession does not apply and about whom there has not been a breath of suspicion, should be subjected to the ignominy (under the circumstances) and torture of a Second Examination? If "truth" helps "prestige", then, may I say, that the whole truth should help "prestige" even more. There might have been something in this theory of "prestige" if that one admittedly perfectly innocent student had been left out of this procedure.

In writing the above, I am not aware that all students, guilty, suspected and innocent are sometimes subjected to a re-examination when question papers have leaked out in certain examinations. I hold that this analogy has no application whatever to the present case as such re-examinations are not held long after declaration of results and do not concern practical examinations of very small numbers and in circumstances as revealed in this case.

C. Regarding candidate 163.

I feel that the decisions are harsh and cruel and considering the procedure adopted and the evidence available, also unjustified. He has been the unfortunate victim of prejudice against his father who was the chairman of the Board of Examiners. This candidate has not been shown the minimum amount of consideration that even proved criminals are entitled to. He was not accused of anything, was not questioned and was not heard before the most drastic step was taken against him. To his entreaties to be told anything against him, to his begging to be given an opportunity to explain and clear his position, not even the kindness of a mere reply was extended. He was kept in the dark for quite a long time (several months).

On 26-4-1941, when all results were published and his withheld, the University Council was admittedly aware of nothing more than that (1) he was not considered as such a brilliant boy as could be expected to score a First Class (2) that his father was an examiner and had valued a good number of his answer books and (3) that the examiner(father) had not intimated the fact of his son being one of the examinees.

The Council was not aware that there had been numerous cases of boys of similar and even worse previous records scoring First class in the Final degree examination without any suspicion entertained of any malpractice and that there had been many instances in this University of examiners having examined their sons and other close relations. The fact that while some Indian Universities demand a declaration in this matter, others(including Mysore) do not, was not given due weight. Further, presumably because the matter so far as the boy was concerned did not present any sinister significance, there was not the slightest attempt to do what is usually expected to be done in suspected cases and what could easily have been done - namely send for the candidate and obtain his explanation regarding suspicions. Therefore, it is reasonable to assume that nothing very serious was suspected and no such action was deemed necessary.

In spite of all this, without an iota of any evidence, reputable or even disreputable, beyond the mere vague suspicions above mentioned, without any hesitation or attempt to see if incidents similar to the three above mentioned were unique for this year for this one examination or were of very common occurence in all departments and since the beginning of this University - The Council carried away by passion generated by virtuous indignation at what was regarded as a lapse of the father from the unwritten law of academic integrity, plunged into a resolution sentencing the candidate to a cancellation of his results and a complete re-examination, a punishment unprecedented in the annals of this University and I believe, of others also. The re-examination was to include written papers also which plainly meant that the candidate was considered guilty of illicit previous knowledge of questions. It could mean nothing else. It was not a suspicion of interested over valuation by the examiner of answers by the candidate, as in that case, as had been done in several previous instances, the answer books could have been subjected to fresh and independent valuation.

At this stage, there was no suspicion of any malpractice in the Practical Examination, and this suspicion was for the first time to the natural surprise of the Council, mentioned on 31-5-1941, i.e., one month and 5 days later by one of the members who had heard rumours to that effect.

If in the circumstances mentioned above the hasty and the (what-ever opinion may be formed from subsequent discoveries months later) entirely unwarranted decision seriously condemning the candidate and implying grave suspicion of the father was taken precipitately, is it really surprising that the University Council should be suspected of prejudice against the candidate for no fault of his? If perhaps seething with resentment, the candidate at the very belated subsequent enquiries behaved not exactly as a model of perfect docility and sweet reasonableness, is he to be blamed or pitied? If the father about whose rectitude a very grave suspicion was thrown, expressed(rightly or wrongly) apprahensions about the unbiassed nature of the enquiry to be held by some or all members of the University Council, is it a matter for astonishment and for accusations of insubordination? Further, when the University Council resolution which condemned the candidate and put the professor's conduct under a cloud, was known to every body, was it beyond possibility that several of the subordinate staff of the University interested themselves one way or another - to the detriment of truth and discipline - in actions and statements calculated either to shield individuals from a false sense of loyalty or maliciously utilise opportunities to have "their own back" or possibly in some cases from a foolish notion of pleasing the University by such evidence(including recantations and self-contradictions) as they fancied would support the widely known judgement of the University.

At the meeting on 26-4-41, I felt that passions and prejudices had smothered for the moment the normal and usual procedure for fair dealings. This feeling grew all the stronger in me, when at the same meeting, about an hour later, how without any positive definite evidence for overlooking seniority and without the knowledge(which was asked for but was not available) of the nature of the confidential reports about the professor from year to year, the University Council, instead of delaying decision, hastily resolved to overlook his claims to act as Principal for a short period.

I have had the privilege of serving in the University Council for nearly fifteen years and had the opportunity of hearing along with others reports of numerous malpractices of various types perpetrated by candidates. I cannot remember a single instance, where on more vague suspicion, a candidate was condemned and immediately awarded drastic punishment without an accusation, an enquiry, an explanation by the candidate or an opinion from the head of the institution. Cases there were, I remember, where even when the accused was caught actually in the act of malpractice by a reliable officer of the University, it was considered desirable to have a surfeit of evidence, explanation, statements, remarks and so on, but in this case, beyond the suspicion that an average boy had scored more than average results, there was at the time of ordering cancellation of results, nothing more.

I do not wish to say anything about the manner, sufficiency, and results of the subsequent enquiries pertaining to the alleged malpractice of the candidate. The records are all there for conclusions to be drawn.

I have dealt with the resolutions of the Council on 26-4-41 at great length, as I consider it the most important and as I strongly feel that the subsequent confusions, contradictions, confessions and irregularities were all in one way or other the direct or indirect results of it. I feel that the University Council's initial hasty condemnation of the candidate completely prejudiced his case and made the much later task of sifting the truth very difficult. Considering all this one may be justified in considering that the case against the candidate as "not proven" beyond doubt.

In view of these, there seems to be, in the interests of justice, a strong case for a reconsideration of the heavy punishment awarded to this candidate and of the re-examination ordered in case of others.

Finally, may I be permitted to assure the Council that in this note no slight is intended to its usual dignity, wisdom and large heartedness and in spite of care taken, any expressions are considered unparliamentary, I should be must sorry and willing to remove them.

Please bring this to the kind notice of the Vice-Chancellor.

"Copy"

Chas Hickmott

Registrar.

RAJADHARMAPRAVINA DIWAN BAHADUR
MAHADEVAYYA. B.A.,B.L.,
Retired Chief Justice

CHAMARAJAPET,
BANGALORE CITY

Date 30th Octr. 41.

30/10/41

Dear Sir,

I enclose herewith, for favour of perusal, a copy of my Dissenting minute which I sent to the Vice-Chancellor on the 10th instant. He did not place it before the last meeting of the University Council, as he ought to have done; and he has not acknowledged its receipt till the present moment. I am writing a second Dissenting minute in continuation of the above, quoting recognised authorities including Erskine May's "Parliamentary Practice", in support of my protest against his unjust, illegal, and arbitrary procedure at the meetings of the University Council.

Yours Sincerely,

P. Mahadevayya

To

J. Appaji Gowda Esqr., B.A. (Hons)
General Secretary to Govt.
Public Offices, Bangalore.

10th October 1941.

Dear Sir,

In regard to the copies of the proceedings of the Special Meetings of the University Council held on 23rd September 1941 and again on 27th September 1941, I beg to state as follows:--

I. As every member of the Council was aware, Mr. B.K. Narayana Rao was not present at the meeting when the business was commenced on 23rd September 1941. You made particular enquiries whether he had come from Bangalore and whether he was not going to attend the meeting. Nobody gave you an answer and then you commenced the business. While I was addressing the house on my second proposition, which related to the assurance given by you in the last para of your circular letter dated 26th July 1941, Mr. Narayana Rao came. Your assurance in that letter is as follows:--

"Dr. Sampathkumaran's contention that he should be examined in the presence of or by the members of the University Council only after his representation in the matter has been considered by Government, will be submitted to Government for orders, and further action will be taken on their orders. The present enquiry will in any case supply the necessary data for consideration by the University Council, or for a fruther enquiry on such lines as Government might lay down."

II. It will thus be seen that you promised to place this "data" on the next date of the meeting before the University Council on 9th August 1941, as you ought to have done. On the other hand, without the authority of the Council, you actually drafted the Report as hurriedly as you started the enquiry yourself on 24th July 1941 and placed it before the Council on the above date. Again, you had requested for a ruling by Government whether you may invite your three colleagues to assist you in the enquiry. But before the receipt of any reply from Government

you completed the enquiry itself, and confronted the Council with your report. I was pointing out your unconstitutional procedure and inconsistent action, and the house was patiently listening to my arguments. While I was so addressing the house on the above proposition, Mr. Narayana Rao entered the room on 23rd September 1941, and said that he was sorry for being late on account of car trouble, and sat down. But you needlessly interrupted me, and you informed Mr. Narayana Rao on what subject I was speaking, and how I was demanding from you a fulfilment of the assurance contained in the last para of your circular letter dated 26th July 1941. As a result of this hint thrown by you Mr. Narayana Rao at once began to question my right to speak on that subject, although the house had already permitted me to speak about it long before his arrival. Although I was standing and had not finished my speech on the above proposition, you allowed Mr. Narayana Rao to object to my speech and to insist on my speaking about my letter of protest dated 11th September 1941. Though I was in possession of the house, you did not allow me to complete my speech on the proposition on which I was speaking. You not only allowed Mr. Narayana Rao to press his objection, but also further allowed him to bring a counter charge against me and prevent me from continuing to speak on my proposition. He stated that in my letter of protest I had offended the members of Council and invited attention to para IV of my letter, beginning with the words, "In the course of the lengthy discussions on 31st May 1941....." I then sat down and pointed out that it was not fair to allow such a surprise to be sprung upon me, and requested that Mr. Narayana Rao may be asked to formulate his charge and give me a copy in writing. You allowed Mr. Narayana Rao to read the whole passage and called upon me to answer it then and there. It will thus be seen that the recognised procedure of conducting business at meetings was entirely reversed by your good self in order to embarrass me. I was compelled to meet a charge suddenly brought

against me in the midst of my speech. I completely lost the trend of my arguments, and you shoved my important proposition to the background with lightning speed. Though I emphatically pointed out that Mr. Narayana Rao's name was not at all to be found anywhere in the paragraph, that it did not contain even a single remark against him or any other member of Council, that his complaint had no substance and was manifestly misconceived, and that the Council could not entertain such a complaint, you allowed a considerable amount of discussion on such a frivolous complaint. In the face of the obvious impossibility of sustaining any charge at the instance of any particular member, you allowed Mr. Narayana Rao to complain for the mere pleasure of complaining against me, and to raise the novel contention that "some of the members" must be held to mean "Mr. Narayana Rao", and that the above indefinite expression must be understood in a definite sense as indicating a definite person, contrary to the plain meaning of the English Language. You were also pleased to go a step further and put the question to vote, as if numbers could change the plain meaning of the English language. The result of the voting was:--

For ...	...	5
Against	...	1
Neutral	...	4.

III. Though every member knows that Mr. Narayana Rao came to the meeting while I was speaking about my second proposition as pointed above, and Mr. Narayana Rao himself admitted that he was sixteen minutes late, your narrative in the proceedings is quite contrary to what actually occured at the meeting. When I pointed out the incorrectness of your record, you promised to amend the proceedings. But you have not done so, in spite of my two letters dated 29th September 1941, and 4th October 1941. Your incorrect narration has reversed the order of events, and omitted the illegal procedure and oppressive action taken by you while I was in the midst of my speech. You were very unfair and unjust, and this is a further instance to show that

you do not correctly record the proceedings of the meetings.

IV. Again, after taking votes, you did not allow me to continue my speech from where I had been interrupted by you. This was certainly not fair. My proposition was based on your written promise in your own letter dated 26th July 1941, and such a promise was in effect an item of Agenda in advance for the next meeting on 9th August 1941. Apart from legal or constitutional obligation, ordinary canons of propriety required that you should have honoured the sanctity of your own promises and assurances, instead of hurriedly sending your report. You furnished no explanation, and you made no attempt to justify your inconsistent procedure and actions. In the absence of a defence, you ought to have frankly admitted yourself manifestly wrong procedure in not placing your "data" for the consideration of the council and in hurriedly drafting your report. Instead of acknowledging your own mistakes, you put this proposition also to vote, though it was a matter for you alone to explain and you did not say even a word about it. Your responsibility for not honouring your own promises admitted of no doubt whatever, and it is very strange that you should have mechanically invoked the aid of votes of members in support of your case, which you yourself did not state and which they did not hear. You have used the majority rule for a purpose for which it is not intended, and you have invoked its aid to do what it has no authority under the law to do, viz, to extinguish obligations created by law and morality, and to destroy constitutional procedure. A majority has no right to do as it pleases, and it cannot claim to be omnipotent and omnicompetent. A contrary view is sure to lead to the destruction of legal and moral values, and ultimately to confusion and anarchy. I therefore enter my strong protest against the entirely unconstitutional procedure adopted by you, and hold that your report (first) deserves to be rejected.

V. At the meeting of the University Council held on 13th Septr. 1941, you stated that you did not wish to issue a reply to my letter of protest dated 11th September 1941, before consulting one or two big lawyers. I would have been thankful if you had sent a copy of their legal opinion for my enlightenment. My letter of protest has to be read in continuation of my letter of 28.7.1941. It discusses various objections under different heads and from different view points, and states reasons in support of each finding. It refers to your unjust condemnation of the members of the University Council behind their back, and their resentment for undeserved insult, and also shows how you yourself have put me on my defence. In your reply statement ("Remarks"), you have not disputed the correctness of the principles and propositions of law and procedure laid down by me in my letter of protest dated 11th Septr. 1941. On many important matters referred to in my letter, you have offered no remarks; and with respect to others, you have quoted a few sentences here and there from my letter and offered some unconvincing remarks. Again, as regards some vital questions having a bearing on the controversies, you have not ventured to give any answers and you have expressly left them for the decision of the University Council. Moreover, your own remarks and explanations have revealed a significant inconsistency in some of your actions and conduct, and I have yet to see whether you or your lawyers can satisfactorily reconcile them. I have pointed out, in the course of my defence, that you are guilty of wrongs of omission and commission, and I have assigned reasons in support of my conclusions. You have not refuted them, and you have not adduced counter arguments to disprove them. In my conception, a wrong is a wrong whoever may happen to be the author of that wrong, and a wrong cannot become a right even if the majority should say so. You condemend me and other members of Council behind our back, without giving us an opportunity of being heard. Whereas, I have put a document containing reasoned arguments into your hands and you have not been able to refute them. I argued and made out a convincing case of the wrongs

done by you at the meetings held on 19th July 1941, 9th August 1941, and ~~27th~~ 23rd September 1941. You had no defence, and you did not state even a word in reply. But yet, you did not withdraw the wanton insults and apologise, as you ought to have done, and when one member immediately after my speech on 27th September 1941, brought a proposition that you should apologise, you did not permit him to bring that proposition. I am sorry to point out that you have not shown any sportive spirit, and that you are not observing the rules of the game.

VI. While all reasonable people are agreed that you should be quite fair to an opponent, you have developed a contrary attitude towards me in the controversies which you yourself have provoked. You claim to sit as a Judge in a case brought against yourself, contrary to one of the most fundamental maxims of English Jurisprudence, and it is therefore all the more incumbent upon you to be thoroughly impartial towards me. The incident of 23rd Septr. 1941, when you compelled me to meet a sudden charge brought against me by Mr. B.K. Narayana Rao, while I was legitimately addressing the house on a different proposition, in utter disregard of recognised methods of conducting business at meetings, cannot certainly be said to reveal your sense of justice or impartiality towards an opponent. And your omission to correctly narrate in order the proceedings what actually occured at the meeting on 23rd September 1941 in the manner required by law, in spite of my protest and your promise, makes the matter a great deal worse. Your failure to record in the proceedings, my objection against your proposal to appoint a High Court Judge which was rejected by the Council on 19th July 1941, and the strong reasons urged by me in support of my objection, in spite of your promise to record them, and your directions to the Registrar at the meeting; and your inexplicable failure to place your "date" before the University Council in accordance with your own written promise contained in your circular letter dated 26th July 1941, go to show that in your conception, promises made carry no sanctity with him and that there is nothing wrong in wilfully breaking such promises. My allegations

that "the proceedings of the meeting of 9th August 1941, do not contain a proper narration of what happened at the meeting, and many important matters have been omitted", have now been established by your own "Remarks" and explanations. The written explanatory note which you admittedly read against me on 9th August 1941, and which you have wrongfully removed from the record and also refused to give a copy of it to me; and your letter dated 23rd July 1941, to Dr. Sampathkumaran - which has become an illuminating document in view of the controversy arising from it - have both been carefully excluded from the proceedings of the meeting of 9th August 1941. The false charge which you brought against me on that date and which I fully disproved, has also not been included in the proceedings. You have given no explanation for excluding these important matters, and this is one more instance to show that you do not hesitate to exclude from the proceedings what is favourable to me and unfavourable to you.

VII. I am sorry to say that you are showing a distinctly hostile attitude towards me at every meeting, and that my confidence in your sense of impartiality has been rudely shaken. Whatever is said against me at the meeting receives encouragement from you, and while speaking to one of the members who was supporting you on 23rd September 1941, you were pleased to more than once suggest the significant words "Burke discussion". It will be remembered that at the Council Meeting on 9th August 1941, you gave a ruling that I should not speak and this has been admitted by you. I had questioned the correctness of your drafting of the Resolution passed by the University Council on 19th July 1941, and the most elementary notions of justice required that you should have given me a reasonable opportunity to substantiate my charge against you. As a rule, every member has a right to speak, and no chairman is entitled to prevent a member from speaking. But you most unjustly deprived me of this elementary right, and you have no explanation for the unjustifiable wrong done to me. You could have as well

asked me not to attend the meeting, so that you might be free to do what you liked. The majority rule, which is based on a democratic principle, always presupposes a full discussion of the question before it is put to the vote, and does not contemplate a decision by mute votes. You misapplied the majority rule and "burked discussion", lest any discussion should establishe the incorrectness of your record. While the Congress leaders are demanding the recognition of freedom of speech even in times of war and have gone to jail on this issue, and distinguished visitors like Sir Bestram Stevens are pointing out that "freedom of speech is the basic feature of democracy and should be fostered by the University," is it not a tragedy that this democratic right should fail to receive recognition at your hands in the University Council?

VIII. You convened a special meeting on 23rd September 1941 for considering my letter of protest dated 11th September 1941, and your "Remarks" or reply thereon, and both those items were included in the Agenda. Has the council really considered them? As Chairman it was your duty under the law to have adhered to the subjects laid down in the Agenda. But you did not do so. If, in your opinion, there was no need for the University Council to hear me on my letter of protest and your remarks, and to consider them, you should not have included them in the Agenda at all. And you need not have summoned a special meeting for this purpose on 23rd September 1941. While Mr. B.K.Narayana Rao suggested that the Vice Chancellor's report and my letter dated 11th September 1941 and your Remarks should be considered according to their order in the Agenda, you yourself observed that my letter of protest should be first considered. But after some time you somehow suddenly changed your attitude, being attracted by Mr. Lakshminaranappa's proposition which honours your hint to "Burke discussion." Both of you exchanged

notes, and you allowed him to move the following new proposition entirely superseding my letter of protest and your remarks, although he had given no notice of such a proposition as required by the rules, and it had not been included in the Agenda:--

"The procedure adopted by the Vice Chancellor being in conformity with the Resolutions of the University Council passed on 19th July 1941, the record of which was confirmed on the 9th August 1941, the house do proceed to consider the Report."

It consists of two parts:-- (1) The procedure adopted by the Vice Chancellor being in conformity with the Resolution passed by the University Council on 19th July 1941; and (ii) the record of which was confirmed on 9th August 1941;

In the first part of the proposition, Mr. Lakshminaranappa actually assumes, and takes it for granted, what has not yet been established either by you or by any member of Council. The procedure adopted by you was at once questioned by me and Mr. McAlpine, and the question of its validity forms the subject matter of the major controversy which has not been decided. That you did not contradict my earliest letter of objection dated 28th July 1941, and that you did not also contradict Mr. McAlpine's emphatic letter of protest dated 31st July 1941, are undisputed facts, and Mr. Lakshminaranappa cannot alter them. In support of my objections, I have placed before the Council two letters dated 28th July 1941, and 11th September 1941, containing some of my reasons and arguments; and before the Council had heard and considered my objections and the Vice Chancellor's answers and recorded a definite finding thereon, Mr. Lakshminaranappa was not in order in having brought the above proposition and hustled the Council. It is certainly not a self evident proposition as the rising of the Sun in the East and setting in the West. Such an extravagant claim is manifestly inadmissible, and the whole

proposition has to be expunged from the record.

IX. As regards the second part (ii) of the proposition, I am surprised that Mr. Lakshminaranappa should have made such a misstatement of fact in the face of what has happened since 9th August 1941. Everybody knows that in my letter dated 13th August 1941, I entered my strong protest against the most unjust and unconstitutional procedure of the Vuce Chancellor on 9th August 1941. In your reply dated 20th August 1941, in which you never contradicted my statement of facts and events which occured on 9th August 1941, you stated "that my letter will be placed before the University Council at its next meeting and their decision taken as to the course of action to be adopted". Before the date of the next meeting on 13th September 1941, I sent my letter of protest dated 11th September 1941, which led to the special meeting of 23rd September 1941. These documents find a prominent place in the introductory portion of my letter of 11th September 1941, of which you gave a copy to Mr. Lakshminaranappa on 13th September 1941. On what principle known to law did Mr. Lakshminaranappa ignore these undisputed facts? Is he prepared to show any authority in law, equity or constitutional procedure to justify his proposition? Am I to understand that this was an invitation to you to go back on your promise contained in your reply of 20th August 1941, and repudiate everything that has happened since 9th August 1941? May I know under what provision of law, rule, or constitutional principle you allowed this proposition and also put it to vote? Mr. Lakshminaranappa did not say even a word in support of this proposition. It was not seconded by anybody and the permission of the house was not taken to bring it in preference to the subjects mentioned in the Agenda. Though, under the law, it did not deserve any notice, you got it passed by mute votes. There was no discussion, no persuasion and no argument. You have given it a place of honour in the proceedings, though under the law it ought to have been dropped and ignored.

If you wanted to take your stand on the proceedings of 9th August 1941 and repudiate everything that has occured since that date, nothing could have been easier for you than to have stated so in plain language. You did not say so on 15th September 1941 after the receipt of my letter of protest dated 11th September 1941. You circulated copies of my letter and took time to make a reply statement after consulting lawyers. You circulated your reply statement consisting of 21 pages of typed matter in which also you did not say so. It would have been an advantage if you had stated, for the benefit of the Council, the opinion of your legal adviser on this subject, which I have fully discussed in all its aspects in my letter (Para X, p.17-21; Paras XI, XII & XIII, P. 25-35). I requested you to, at least, reveal his name so that I could write to him and invite his opinions, especially on the legal, and constitutional aspects of the various controversies. But you were not pleased to do so, and hence he remains nameless behind the scene, without taking any responsibility for the legal advice given to you. If you really thought that your procedure and actions were unassailable, that your proceedings dated 9th August 1941 were unimpeachable and final, and that the only business of the Council was "to proceed to consider your report" - as assumed by Mr. Lakshminaranappa in his proposition, why did you not ask the Council to consider the report accordingly on 13th Septr.1914? Where was the need for you to have included my letter and your reply in the Agenda and called for a special meeting to consider them on 23rd September 1941? It is therefore clear that Mr. Lakshminaranappa set up a new case for you of which you yourself had no conception, either on 13th September 1941 or on 23rd September 19[illegible] This view is further supported by your own unimpeachable documentary evidence. In the Agenda, the Vice Chancellor's Report com[illegible] First (IV), and my letter and your Remarks come next (V & VI). When Mr. B.K. Narayana Rao suggested that your Report, my letter and your remarks be taken up for consideration in their proper

order in the Agenda, you gave the following Ruling, as stated on P.2 of the ~~Minutes~~ proceedings:--

"The Vice Chancellor said that he had no objection to have the proposition considered, but first Mr. Mahadevayya's letter should be considered since it raised two important issues:--

1. The Accuracy of record of the Council Resolution,
2. The validity of the Report of the Vice-Chancellor."

It is therefore clear beyond the shadow of a doubt that a few minutes before Mr. Lakshminaranappa brought his proposition, you yourself admitted in the most unmistakable language

(1) That my letter of protest should first be considered since, in your opinion, it raised the two important issues above referred to; and (2) that your Report could only be considered after the consideration of my letter. It will thus be seen that Mr. Lakshminaranappa's proposition is in direct conflict with your above ruling. He had no right to bring the proposition in violation of your Ruling. You were also bound by your own Ruling, and you ought not to have allowed it, and this is an additional ground for expunging the proposition from the record.

XI. Proceedings of the meeting of the University Council held on 27th September 1941. I am sorry I have to strongly object to the first para of the proceedings as it is not at all correct. I invite your attention to paras I to III above on this subject. As you are aware, I sent my objections in writing on 26th September 1941 as desired by you, long before I had ever seen the copy of the proceedings of 23rd September 1941, which was placed on the table only on 27th September 1941. On the latter date you promise to suitably amend the proceedings after consulting me, and there was no difference of opinion. There was no need to put the question to vote, and it was not put to vote.

XII. Mr. Lakshminaranappa's proposition:--

"That all allegations and imputations against the Vice Chanc contained in the letter of Mr. Mahadevayya dated 11th September 1 are wholly unjustified and therefore be expunged from the record

When I wrote to you on 25th September 1941 for a copy of the agenda for the meeting on 27th September 1941, the Registrar sent a copy of the Agenda to me, and the above proposition of Mr. Lakshminaranappa was not included in it. All the remarks which I have made in regard to his previous proposition apply with equal force to this proposition also, and it must also be expunged from the record for the same reasons. I strongly protested against your action in allowing the propositions, and some of the reasons stated by me are to be found in the copy of the proceedings dated 23rd September 1941. Mr. Lakshminaranappa did not speak in support of the proposition and nobody seconded it, and you had no right to put it to vote or to include it in the minutes. I wanted to speak about the subject in the Agenda, viz, my letter of protest and your reply for which you allowed only 45 minutes (from 1.15' to 2 P.M.), although I pointed out that it was impossible to do justice to the subject since my letter covered 35 pages of typed matter and your reply consisted of 21 pages. I made some preliminary remarks within the time allowed, and you did not allow me sufficient time to speak about my letter and your reply. I was not bound to speak about Mr. Lakshminaranappa's proposition as wrongfully stated by you, and as already pointed out it has to be expunged from the record.

XIII. Lastly, let me remind you that the controversies contained in my letter dated 11th September 1941 and your reply have not been considered by the University Council, that they stand undecided, and that according to your own Ruling the validity and binding character of your Report have not yet been established.

Yours Sincerely,

"copy" P. Mahadevaiyya

To

Rajakaryapravina N.S. Subba Rao, Esqr., M.A., (Cantab)
Bar-at-Law,
Vice Chanvellor, University of Mysore.

RAJADHARMAPRAVINA DIWAN BAHADUR
P. MAHADEVAYYA, B.A., B.L.
Retired Chief Justice

CHAMARAJAPET,
BANGALORE CITY

OFFICE OF THE MINISTER FOR EDUCATION
Date 12-9-41
No. 1755

Date 11-9-41

DEWAN'S OFFICE
No. 2302
GENERAL SECRETARY.
12 SEP. 1941

Dear Sir

I have enclosed herewith for favour of information a copy of my Note of protest sent to the Vice-chancellor to-day about some of the controversies regarding the enquiry relating to the alleged mal-practice of Candidate No: 163 in Botany Examn.

Yours sincerely,
P. Mahadevayya

J. Appaji Gowda Esq B.A. (Hons.)
General Secretary to Govt.

Submitted for perusal.
Edn Minister)
12/9/41

Please put up an abstract
17/9/41

This may be submitted to Dewan.
12/9

DOL 13-9-41 Dewan)
17/9
15/9

To

Dear Sir,

1. My letter dated 4-8-1941 objecting to the correctness of the record made by you about the Resolution passed by the University Council at its meeting held on 19-7-41 in regard to the enquiry into the allegations about the mal-practice of Botany Honours candiate No. 163, and pointing out how at the meeting on 19-7-41 you pleaded inability to hold the inquiry yourself and requested four members to be associated with you in the enquiry to assist you, how when they declined to agree Mr. Rollo appealed to them for co-operation and then three of them agreed, and how the Council then appointed a Committee consisting of yourself and three members to hold the enquiry.

2. Registrar's reply dated 7-8-41, stating that according to the Vice Chancellor's recollection it was decided that he should hold the enquiry, and that he agreed to do so availing himself of the assistance of three members of the Council, and adding that "there was no suggestion that these should form a committee."

3. My letter dated 13-8-41, stating how you put the question to Vote on 9-8-41 giving a ruling that I should not speak, and declaring that votes would be taken after merely reading my letter and your reply, how in violation of such an agreement you read a written explanatory note in support of your own version without conceding a similar privilege to me, how you also read out your letter dated 23-7-41 to Prof. Sampathkumaran although I objected to it as being irrelevant, how the majority rule always pre-supposes a full discussion of the question before it is put to the vote and does not contemplate a decission by mute votes, and how your action was neither

fair nor just. My letter further pointed out that you brought before the Council a false charge against me, viz., that I had alleged that you had drafted the Resolution of 19-7-41 after the completion of the enquiry, that I at once contradicted it and stated before the Council that you imputed to me a statement which I had never made and asked you to read my letter, that you did not do so or withdraw the false charge, and that this was also not fair or just.

4. Your reply dated 20-8-41 to the above letter, stating that my letter will be placed before the University Council at its next meeting and their decision taken as to the course of action to be adopted.

5. Copy of the Proceedings of the Council meeting held on 9-8-41, which was received on 23-8-41, and in which it is recorded as follows (18) regarding my objection:--

"The Vice Chancellor asked the eight members other than the objector who had been present at the meeting of the 19th July 1941, to state their recollection of what happened. Mr. Mc Alpine said that his impression was that a Committee had been approved with the Vice Chancellor as Chairman with three other members as members of the Committee.

"The other seven members stated that their recollection was that no Committe was appointed and that the proceedings as drafted were correct.

"The Vice Chancellor then stated his own recollection which was to the effect that no Committee ha d been appointed."

6. Registrar's letter dated 23-8-41 giving the following reply regarding the copies requested by me:--

Some of the Documents of which Copies were asked for.	Registrar's reply.
(a) Vice Chancellor's written note read out by him before putting to vote the question of the correctness of the Resolution of the Council passed on 19-7-41.	The Vice Chancellor made a statement of his recollections, and had put down what he remembered before the meeting. It was not a statement to go on record, and so no reply can be sent.
(b) Two letters referred to by Mr. Mc Alpine in the statement made by him when the above question was put to vote.	Mr. Mc Alpine's letter which was referred to, was cancelled, and is not on record. So no copy can be sent.

I. With reference to the above I beg to state as follows:--

The question of the correctness of the Resolution as recorded by you in the copy of the proceedings which you sent after completing the whole enquiry forms, as you are aware, a part of the major controversy whether it was not the committee of four persons appointed by the council which ought to have held the enquiry, and whether the Vice Chancellor alone was competent to hold the enquiry himself, as he has done, excluding the three members of the Committee, without previously obtaining the orders of the Council to do so. A brief reference to this background is necessary in order to properly appreciate the importance of my objection regarding the correctness of the Resolution as recorded in the copy of the Proceedings. After the Council Resolution on 19-7-41, we were awaiting the receipt of a notice from you fixing the date of the Committee to meet and decide the preliminaries of the enquiry including questions of procedure. But no such notice was received, and it was a surprise to learn from your letter dated 26-7-41 that you had already commenced the enquiry yourself without convening the Committee appointed by the Council. Your letter was received on 28-7-41 and I immediately wrote to you on the same day pointing out that you should not have invited Dr. Sampathkumaran to "discuss the preliminaries of the enquiry" as he was the most interested person, that the procedure adopted by you was fundamentally wrong, and that the enquiry held by you was void and not binding on the Council. It will be remembered that this had been communicated to you before the Controversy about the correctness of your record arose between you and me, and before even the copy of the proceedings of the meeting of 19-7-41 had been sent by you. It will thus be seen that before I wrote to you on 4-8-41 objecting to your version in the copy of the proceedings, I had already written to you about my recollections as to what had happened at the meeting on 19-7-41, that I honestly believed that the Council had appointed a Committee

to hold the enquiry, and that they had not at all authorised you to hold the enquiry yourself. It will also be remembered that you did not intimate to me or to the other two members, before you started the enquiry, that in your opinion the Council had authorised you to hold the enquiry yourself, and that you had decided to start the enquiry yourself without the three members. You rushed through the enquiry for three days and then informed them for the first time that you had done so, forwarding copies of the proceedings of the first two days.

II. (1) Again, I was not the only person to be surprised by your hurried action. Mr. Mc Alpine was equally surprised of the procedure adopted by you contrary to the Resolution passed by the Council on 19-7-41, and he had also communicated to you on 31-7-41, i.e., four days before the controversy arose between you and me regarding the incorrectness of your record, his own recollections as to what actually had happened at the meeting on 19-7-41. You know that Mr. Mc Alpine has positively stated in that letter, "that he himself suggested at the meeting that the Vice Chancellor, as the head Executive officer of the University, was the obvious person to conduct the enquiry himself"; "that you yourself opposed that proposal and said that you would prefer not to conduct the enquiry alone, and that you would like to have associated with you several members of the University Council, to constitute a committee of enquiry, of which you would be the Chairman"; and that the University Council accordingly approved and constituted the Committee on 19-7-41 for holding the enquiry. It will thus be seen, that the truth of my contention that the University Council had appointed a Committee on 19-7-41 to hold the enquiry, has been conclusively established by the unimpeachable evidence of Mr. Mc Alpine, which he had communicated to you four days before anybody knew of your version, which you sent to the members only on the 2nd August 1941. It is a significant circumstance that you did not contradict Mr. McAlpine's letter dated 31-7-41 which you must have received in Bangalore on the same day.

(2) That long before you issued your copy of the proceedings of the meeting held on 19-7-41, I honestly believed that it was a Committee that the University Council had appointed on 19-7-41 to hold the enquiry, that you adopted a wrong procedure in holding the enquiry yourself without the committee, and that your proceedings were void ab initio, are facts which will be supported by Government, if necessary, and I had not the slightest idea of your ~~subsequent~~ version in your copy of the proceedings. Similarly, it cannot for a moment be conceived that Mr. Mc Alpine knew anything of your ~~subsequent~~ version when he wrote to you his letter dated 31-7-41. Both of us, i.e., two out of your three colleagues, had expressed our belief in the constitution of a Committee of inquiry, long before the controversy arose. All othermembers, including your goodself, expressed their recollections only after the controversy had arisen between you and me. Hence, according to recognised canons of appreciation, my recollections and those of Mr. Mc Alpine are entitled to greater weight.

III. Mr. Mc Alpine's letter throws considerable light on the other matters also. He says:--

(1) "That on more than one occasion you said that you did not quite know the best way of setting about making enquiries"; and that it was on account of "this feeling that you had asked for a Committee, rather than make the enquiry yourself";

(2) "That ever since 19-7-41 he had been waiting for the notice of the first meeting of this committee of enquiry"; and "that he thought that your first action would be to hold a meeting of the Committee in order to lay down the procedure to be followed in the enquiry";

(3) "That instead, you invited Dr. Sampathkumaran to meet you "to discuss the preliminaries of the enquiry"; and that "Dr. Sampathkumaran was the last person who should--at that stage--have been communicated with in any way.;"

(4) "That the only procedure which could have had any chance of revealing the truth was to have obtained the relevant note books immediately"; and "that the long delay in the productionof the note Books of Dr. Sampathkumaran's son gave away the whole line of enquiry";

(5) "That the subsequent obtaining of a statement from Mr. Seshagiriah through Dr. Sampathkumaran lessened

any chance of the real truth ever being obtained"; "that if Dr. Sampathkumaran had been guilty of any misdemeanour in this matter, he has now had ample warning and plenty of time to arrange for a defence"; and "that the drawing and other note books, being undated either by the student who made them, or by the member of the staff who valued them, could easily have been written up for the occasion during the weeks that elapsed before they were finally produced."

IV. With respect to Dr. Sampathkumaran's objection on the basis of standing orders of Govenment, it has to be pointed out that it was entirely misconceived and that you should never have entertained it. The enquiry related to the mal-practice of candidate No. 163. He is certainly not a public servant, and Dr. Sampathkumaran who was only a witness in the case has no right to raise that misleading objection and create confusion, and you should not have allowed him to do so. The powers of appointment and dismissal, subject to the orders of Government, are vested in the University Council under the law, and it is very much open to doubt whether the powers expressly conferred on an autonomous body as the University by a legislative enactment can be taken away by an executive order of the Government. The law is supreme, and the supremacy of law must be recognised by the Government. I may go a step further and say that, in a famous controversy, the Mysore Durbar itself asserted the Supremacy of law and questioned the validity of the conflicting executive orders of the Government of India. It caused some embarassment to both sides, and the question was ultimately set at rest by a full Bench decision of the Mysore High Court, which was accepted by the Government of India and which changed the entire course of legislation in this respect. Hence, it is not open to Government to give a contrary ruling on the vexations and frivolous objection raised by Dr. Sampathkumaran. As the Vice Chancellor is aware, an Assistant Professor was concerned in an examination Scandal about 10 years ago, when Dr. Metcalf held the enquiry and found him guilty of grave misconduct, and on the recommendation of the University Council the Assistant Professor was dismissed. Again, a Committee of the University council recently enquired into the

conduct of a certain professor, and on the Committee's report the Council has sent up a recommendation to Government and nobody ever thought of the Standing Orders of Government being a bar against such an enquiry under the orders of the University Council. There was also another reason why you should not have admitted that objection, irrespective of its manifest inadmissibility on the ground of the offender (Candidate No. 163) not being a public servant. In the course of the lengthy discussions on 31-5-1941, it will be remembered that some members expressed their apprehension that the enquiry into the conduct of the son might perhaps lead to revelations unfavourable to the father and therefore opposed the enquiry, and you yourself were pleased to remark in your circular letter dated 4-7-41, that "they would not look upon an enquiry by the University Council or its committee as giving Dr. Sampathkumaran a fair and impartial enquiry." But such a theory did not commend itself to the other members who insisted upon an enquiry in the interests of purity and prestige of the University. Thereupon, the members who opposed an enquiry raised a fresh objection on the authority of the standing orders of Government relating ~~in~~to ~~the~~ enquiries into the conduct of public servants, and contended that the Government must be requested to appoint an independant officer to hold the enquiry. The council considered this aspect of the question also, but it found no support and the Council ruled it out after some discussions. It was held that in such an event the Council would be abdicating its statutory functions, and that the said Standing Orders of Government were inapplicable to the case before the Council and could not be deemed to oust its jurisdiction. The Council then passed the resolution on 31-5-41. This unanimous Resolution was legally binding on you as well as on Dr. Sampathkumaran, and it was not ~~opne~~ open to you tohave allowed him to re-open the same question again in direct violation of the adverse decision of the Council. Nor was it open to you to

to have acted contrary to that decision and nullified it, as you have done, and upheld Dr. Sampathkumaran's objection.

V. In a matter affecting the jurisdiction of the University Council and the validity of its resolution , it was incumbent upon you as its chief Executive Officer to have placed it before the University Council for orders. By your omission to do so, you not only lowered the authority and prestige of the Council but also deprived it of an opportunity to meet the constitutional objection raised against it. Having yourself made a reference to Government an a question of constitutional importance without the authority of the Council, what was your position? Admittedly you did not know what to do, and you did not ~~xxxx~~ consult the Council, as you ought to have done, to find a solution. The most natural and proper ~~converse~~ course for you was to have awaited the decision of the Government in the matter. Did you do so? On the other hand, you yourself decided the question in your own favour. You ousted the jurisdiction of the University Council, conferred that jurisdiction upon yourself and accommodated Dr. Sampathkumaran, and hurried on with the enquiry in pursuance of your own decision, throwing the three colleagues of your own choice into the shade. It is pertinent to ask on what principle and under what authority you acted before receiving an authoritative ruling on the question which you yourself had raised. Why did you not reserve Dr. Sampathkumaran's examination and proceed with the examination of the other witnesses with the assistance of your three colleagues? Have you not deliberately offended ~~the~~ two Resolutions of the University Council, viz., the one passed on 31-5-41, and the other passed on 19-7-41? What is your explanation in this respect? Have you not also caused embarassment to the Government by practically deciding the reference yourself? Have you not compromised the postion of the three colleagues of your own choice for no fault of their own and placed them in an embarassing situation?

a single entity for the purpose of the enquiry, and it is very surprising that you should have thought fit to adopt such a procedure. If the father and son are held to constitute one "Legal person" in the eye of the law, each of them shall have to be held liable for the wrongful acts of the other. Such a theory leads to anonolous results and is unknown to law. If it is conceded that they are separate entities in law, as in fact they are, each being liable for his own acts, and not for the acts of the other, for what reasons and on what principle did you consider the father to be an offender, at that stage, and put him on trial?

Can you say on what principle of justice or morality you excluded your three colleagues from the enquiry and lowered their dignity and self-respect? You have not explained why you did not give them an opportunity to meet the objections raised against them? You have not explained why you admitted the offensive objection fully knowing that the candidate was not a public servant. You have not explained why in such a vital and controversial matter affecting not only the prestige of your three colleagues, but also that of every member of the Council, you precipitated action of a kind which, you must have known, could not be undone in the case of a contrary ruling. It is difficult to say that the course adopted by you was not manifestly illegal and highly regrettable. Your ex-parte condemnation of your three colleagues as being disqualified to take part in the enquiry, on the mere ipse dixit of Dr. Sampathkumaran which you readily accepted was, I am sorry to say, high-handed. It is opposed to all notions of natural justice and fairness, and it unheard of in the annals of University Administration in any country. Out of your three colleagues, Mr. McAlpine tendered his resignation from the Committee as per his letter dated

and guidance of Dr. Sampathkumaran. You were disqualified according to your own admission to act as an impartial judge, or to hold the enquiry in an impartial manner. The proceedings of such an enquiry, being void ab initio, cannot be said to be legal or binding on the University Council.

(2) In any view of the case your three colleagues formed part of the machinery provided by the University Council at your own request, and it was that machinery which consisted of four persons including yourself as chairman, and that alone that was legally competent to enquire. It constituted a body with definite functions assigned to it, though you do not wish to call it a "Committee", which however cannot alter its powers or constitution or not at all, and no part of it was competent to act in the absence of the other. It was indivisible, and indestructible. It had to act in combination as a whole

The first requisite was to bring that body into existence. It was that machinery alone that was competent to start the enquiry and begin to operate, and every step should have been taken through it. The lines of enquiry and all questions of procedure should have been decided only by that body. But you never constituted the machinery as you ought to have done in the very first instance. You rejected the machinery at the very inception. You adopted a contrary procedure in direct violation of the Council decision. This was manifestly unconstitutional and the proceedings were illegal and void.

(3) There is also no substance in the alleged plea of urgency. If urgency had really any meaning, you ought to have immediately constituted a fresh Board of Examiners without any loss of time and asked the candidate to sit for a fresh examination as per Resolution passed on 26th April 1941. If you had taken prompt action the re-examinations would have been over by 31st May 1941. The discussions revealed that the candidate was known to be a very average student and had no chance of taking

a first class in a re-examination. Certain members remarked that in the case of such an event it may implicate the father, and he may come to trouble. They continued to object to the re-examination on that ground even after the Resolution had been passed, and it looked as if the interests of an individual were more important than the prestige of the whole University. At any rate, the Resolution which was passed after a lengthy and heated discussion for 70 minutes, as you yourself remarked, on a sensational subject affecting the prestige of the University has become a dead letter, and it has naturally shaken public confidence. It is worthy of note that you entirely forgot to record the resolution in the proceedings, alothough it had been passed after so much exciting discussion. It was found omitted in the copies of proceedings sent to the members, and a supplement containing it was quietly put into their hands on the date of the next meeting without any explanation for the omission.

4. Now, what about the Resolution passed on 31st May 1941, regarding the alleged mal-practice of candidate No. 163? It was a simple case of alleged mal-practice in the practical examination. The number of persons to be examined did not exceed 8 or 10 at the most, and all of them could have been examined in 3 or 4 days. Every member of the Council realised that the matter was urgent and required immediate attention. There was a sensation and the prestige of the University had been greatly affected. The whole scandal had been openly published in a certain newspaper which questioned the propriety of the professor in having valued a number of answer papers and given first class marks to his own son. It commented on the moral degradation of the Professor and held him up to ridicule. The newspaper also referred to a rumour that the authorities concerned were attempting to white-wash the whole affair and remarked that it would be highly unjust to do so and that it would harm the reputation of the University. It also suggested to the University Authorities to take necessary action without

loss of time to save the prestige of the University. The next meeting of the University Council was held on 28th June 1941. But as the agenda had omitted to include this urgent matter in spite of the newspaper sensation, I asked you about the enquiry at the meeting, and you were pleased to remark as follows:-- "Have I no other work to do? That is not the only work to engage my attention."

It will thus be seen that this sensational matter which was agitated in the Press and which had greatly lowered the prestige of the University, did not occupy a high place in your order of urgency on 28th June 1941, though everybody else considered it to be otherwise. On 19th July 1941, your proposals and discussions at the meeting showed that you were still considering as to who should hold the enquiry, and how that enquiry had to be conducted. Instead of calling upon the candidate to immediately produce the note books before you, you some how started an endless correspondence with his father who failed to produce them until 16th July 1941, in spite of your warnings and urgent reminders. You did not demand an explanation from him for his unpardonable long delay in the production of the note books. On the other hand, he himself found fault with you and contradicted the statement of your good self in an undignified manner, and while the Registrar was reading Dr. Sampathkumaran's letter of 16th July 1941, before the Council on 19th July 1941, you yourself declared that h e had made false and dishonest statements in that letter and asked the house not to accept them. Moreover, Mr. McAlpine had repeatedl suggested to you the desirability of securing the books with the least possible delay, so as not to allow time for fresh books to be written up. But since you allowed a long period of six weeks for their production, it is now found from the evidence that new books have been actually manufactured in the interval and produced at the enquiry, fully justifying the

the apprehensions entertained by Mr. Mc.Alpine. It is therefore clear that in addition to the first fraud at the examination a second fraud has been committed at the enquiry. In my opinion, this sensational matter ought to have received your first and foremost attention in preference to all other subjects, and you cannot disown responsibility for the long delay in the disposal of this simple matter. In this view of the case you were not at all justified in having hurried up the enquiry on 24.7.1941, without placing the matter before the University Council for their decision and orders. What was admittedly not urgent on 28th June 1941, cannot be said to have suddenly developed a compelling urgency on 24th July 1941. A matter which had ceased to be urgent on 28th June 1941, according to your own significant remark on that date, and which had waited for 54 days, could certainly have waited for a few days more for the decision of the University Council, without anything untoward happening. It was a vital matter affecting the powers and prestige of the Council, which it was your primary duty to uphold under all circumstances as its chief executive officer. According to your own admissions, the question was not free from doubt and difficulty, and no amount of urgency, fancied or real, can justify a wilful breaking of the law and the constitution.

IX. It is relevant to invite attention to the strong objections raised by Mr. McAlpine in this connection. He says:--

"The only procedure which could ever had any chance of revealing the truth in this matter would have been to obtain the relevant note books immediately.....The long delay however in the production of the note books of Dr.Sampathkumaran's son, gave away the whole line of enquiry, and the subsequent, ~~and the subsequent~~ obtaining of a statement from Mr. Seshagiraiya through Dr. Sampathkumaran lessened any chance of the real truth ever being obtained. If Dr. Sampathkumaran had been guilty of any misdemeanour in this matter, he has

now had ample warning and plenty of time to arrange a defence. The drawing and other note books are undated either by the student who made them, or by the member of the staff who valued them, and they could easily have been written up for the occasion during the weeks that elapsed before they were finally produced."

It will thus be seen that in the opinion of Mr. McAlpine the immediate production of the note books was imperative in the interests of truth and justice. The object of the enquiry being to make an impartial search for truth, the long delay which was avoidable in securing the note books frustrated the very purpose of the enquiry, and it was unofrtunate that you did not adopt "the only procedure which had any chance of revealing the truth in the matter," as rightly pointed out by Mr. McAlpine. After considering the question of asking Dr. Sampathkumaran to be on leave during the enquiry, it was agreed at the informal meeting convened by you in the first week of June, that witnesses at the enquiry should be asked to speak the truth and that you should give them an assurance that they will not be allowed to be harmed by Dr. Sampathkumaran for giving evidence against him or his son. While the most vital condition of an enquiry demanded that witnesses should depose in an atmosphere altogether free from official influence, you destroyed this essential condition and you yourself placed Mr. Seshagiraiya in the midst of official influence and required him to submit his statement through his official superior, viz, Dr. Sampathkumaran. Dr. Sampathkumaran himself has admitted that he told Mr. Seshagiraiya that it was not fair to have given zero to his son and pressed Mr. Seshagiraiya to give some marks to his son. It is therefore clear that the risk of official pressure to which you subjected Mr.Seshagiraiya was real and prejudicial to the case. Mr. Seshagiraiya, the Assistant Professor, was the person who detected the fraud

practised by the candidate (No.163) when he produced as his own, note books which he had borrowed from another student, and it was Mr. Seshagiraiya who had given zero ("0") to the candidate at the examination. He was the most important witness, and the whole case depended upon his evidence. As an enquiring officer, your function was to examine witnesses and record their evidence and not to convert that evidence into an official and routine matter and obtain it through official superiors. Though you were sitting as a judge, you adopted a non-judicial procedure which defeated the very purpose of the enquiry and gave an opportunity to Dr. Sampathkumaran to try his chances of hiding the truth. It was really unfortunate that you should have placed Mr. Seshagiraiya in such a difficult and awkward position, and thus reduced the chance of the real truth being obtained, as pointed out by Mr. McAlpine. On 29th July 1941, Mr. Seshagiraiya withdrew the statement which he had submitted through Dr. Sampathkumaran, and this proves that he must have given it under the undue influence of Dr. Sampathkumaran.

X. With reference to the controversy about the drafting of the Resolution passed on 19th July 1941, and your action in putting the question to vote on 9th August 1941, without allowing me to speak, I beg to state as follows:--

(1) The copy of the proceedings of the meeting held on 9th August 1941, which was received on 23rd August 1941, does not contain a proper narration of what happened at the meeting on this subject, and many important matters have been omitted. My objections against the procedure adopted by you have been communicated to you in my letter dated 13th August 1941. I had impeached the correctness of the Resolution as recorded by you, and your version

into a Tribunal as they should have done. That Tribunal did not ask me to prove the charge, and you did not submit yourself to be tried by them. Since such a Tribunal, which alone was competent to decide, was never constituted, my impeachment stands, and there has been no binding decision upon it by the proper Tribunal.

(2) The Resolution as recorded by you in the copy of the proceedings to which I have taken objection appears in two parts, each being independent of the other. Their form, language and construction are such as to admit of being interpreted, if necessary, in support of your exclusion of your three colleagues from the enquiry. But your own earlier version of the same council decision, as stated in your own circular letter dated 26th July 1941, is inconsistent with the objected version. Unlike the objected version, it is not divided into parts, and it differs in form, language and implications, and it cannot be interpreted to justify your exclusion of your colleagues from the enquiry. Again, you have given a third version of the same Council decision on 7th August 1941, in your reply to my objection which differs from both the objected version, and the earlier version contained in your letter dated 26th July 1941, in language and construction. I had a right on 9.8.1941 to call upon you to state which of these three different versions was true, and why there is so great a variation in the terms of your three versions of the same Resolution on such an important subject which, according to your own admission in your letter dated 4th July 1941, has created a great sensation in the minds of the public and shaken their confidence in the impartiality of the University Authorities. Is it to be understood that you had three different recollections of the same subject? If the objected version which you sent to me on 2.8.1941 had been really recorded by you before the date of your circular letter dated 26th July 1941, I had a legitimate right

to call upon you to explain why you had sent an altogether different and inconsistent version in the said circular letter. I am entitled to draw an inference that you could not have recorded the objected version before 26th July 1941, and that it must have been recorded only after that date and before 2.8.1941. The actual date on which you recorded it was known only to you and none else, and you were not pleased to state what that date was. The presumption is that you would have readily stated it if it had been in your favour. At any rate, the later objected version had no existence and was entirely out of the picutre on 26.7.41. Were it otherwise, there was certainly no good reason why you should have yourself sent to the members a totally different and inconsistent version on 26th July 1941. I had a right to place these undisputed and unanswerable facts, in support of my objection, before the Council on 9th August 1941. But you prevented me from speaking, and thus unjustly deprived me of every opportunity of proving my charge and disproving your version.

(3) While preventing me from saying anything to substantiate my charge, a procedure unknown to law and entirely opposed to all recognised methods of conducting business at meetings, you yourself read out a written explanatory note in support of your own version without conceding a similar privilege to me. You thus enjoyed an unfair advantage and used your written note to influence the opinions of the members in your favour, and you did not allow me to refute your written arguments against me. Having declared that votes would be taken after merely reading my letter,&your reply, you read out his written explanatory note in your own favour in direct violation of your own declaration. Can this be said to be impartial? And when I applied for a copy of this explanatory note, you have refused to give it on the ground that "it was not a statement to go on record, and so no

no copy can be sent" (Vide Registrar's letter dated 23rd August 1941.) If it was "not a statement to go on record", you had no right to read it and influence the minds of the members. Having read it out before the Council it became an official document and as such the property of the Council, and you have no right to remove it from the record and treat it as your private property. Can this be said to be just, fair, or impartial? Under the rules of business, members are entitled to have copies of any documents they may desire, and you have no right to take away such a power vested in the members under the law. Nor have you taken the persmission of the Council to withdraw the note from the official record and to treat it as your private property.

(4) You have similarly refused to send me copies of the two letters referred to By Mr. McAlpine in his statement on 9th August 1941. Mr. McAlpine emphatically stated that it was a committee of enquiry that the University Council had appointed on 19th July 1941, and fully supported my case. He added that he was everyday expecting from you notice of the meeting of the Committee from 19th July 1941 to 28th July 1941, and that when we got your letter dated 26.7.1941, he wrote to you objecting to the procedure adopted by you and he actually referred to his letter dated 31st July 1941, in support of his statements. If you thought that he was really not entitled to refer to that letter or to reply upon it by reason of his having subsequently cancelled it by his ~~record~~ second letter, you ought to have given a ruling to this effect and prevented Mr. McAlpine from making any reference to his letter at the meeting. Not having given such a ruling on 9th August 1941, against Mr. McAlpine, it is not open to you to give an adverse ruling now against me. Mr.McAlpine had expressly requested you to place his letter before the University Council and hence the Council was entitled to know its

its contents as well as the reasons which led him to cancel it by his second letter. His desire not to press his objections on certain grounds is no reason to prevent the council from taking cognizance of the fact that Mr. McAlpine had written such a letter to them and of the reasons ~~for~~ on which he subsequently cancelled it. You yourself ought to have reported to the Council, before asking the members to state their recollections, how Mr. McAlpine had written to you on 31st July 1941 stating that it was a committee of enquiry that had been apppinted on 19th July 1941 and objecting to the contrary procedure adopted by you, how he had requested you to place his letter before the council and accept his resignation from the ~~XXXXXXXXXX~~ Committee, and how he had subsequently written to you to treat it as cancelled for different reasons. You failed to bring these important facts to the notice of the Council, for the obvious reason that everything that Mr. McAlpine had stated was against you and fully supported my case. Can this be said to be fair or impartial? It has to be pointed out that I had asked for copies of both the letters. You have stated that his first letter was cancelled and that copy could not be given, but you have assigned no reasons for not sending the copy of his second letter. I hold that these letters have not lost their evidentiary value under the law in spite of what you say. I have strong reasons to hold that you have refused to give copies of these letters because they prove:--

(1) That when Mr. McAlpine suggested at the meeting that you may hold the enquiry, you yourself opposed it and asked for a committee of enquiry which was accordingly appointed;

(2) That you had more than once expressed that you did not know the best way of making enquiries; and that it was on account of this feeling that you had asked for a committee rather than make the enquiry yourself.

(3) That it was not proper on your part to have invited Dr. Sampathkumaran, "to discuss the preliminaries of the enquiry, instead of holding a meeting of the Committee to lay

(8) That Dr. Sampathkumaran's objection to his being examined by a Committee of the University Council was clearly inadmissible by virtue of the legal powers vested in the Council under S. 14 (8) of the Act, and Statute 17 (26);

(9) That "the Committee were not enquiring in the first instance into any action of Dr. Sampathkumaran, but into the alleged misconduct, in the matter of the class records of his son, who was a student" and not a public servant; and that "Dr. Sampathkumaran had no claim to have any of these questions even mentioned to him at this stage";

(10) "That the Botany Department is run without any proper control and with no systematic method of organization of work";

(11) That "Dr. Sampathkumaran admits that he has kept no records of marks given under the different heads in the Botany Department";

(12) That "the questionnaire attached to your letter dated 26th July 1941 reveals incompetence on the part of Dr. Sampathkumaran of such a kind as to unfit him to continue as the head of the Botany Department".

(5) Mr. McAlpine was the person who made the allegation on 31st May 1941 about the rumoured misconduct of candidate No. 163, and it was on his complaint that the University Council passed the Resolution on the said date authorising the enquiry. He was naturally interested to see that proper procedure and methods of enquiry were adopted to find out the truth, apart from the fact of his being also a member of the Committee of enquiry. When you ignored the Committee and invited Dr. Sampathkumaran to guide and assist you in the enquiry, and actually started the enquiry under his inspiration, Mr. McAlpine believed for the reasons stated by him in his letter of 31st July 1941 that the chances of

obtaining the truth were lost. He therefore protested against your procedure and actions and sent his resignation from the Committee and wanted his letter to be placed before the Council. It cannot by any means be said that the Council were not entitled to know all the facts and reasons which led to his resignation. It is true that he wrote to you on 2nd August 1941 asking you "to treat his letter of 31st July 1941 as cancelled". The reason assigned by him is important. It is as follows:--

"Since, however, the evidence is now available, I am not concerned in raising at the next council meeting technical details about procedure, and I would ask you therefore kindly to treat my letter as cancelled."

It cannot be construed as taking away from the other members their rights arising on the undisputed facts revealed in the letter He only says that he is not concerned to press technical details about procedure, and this cannot be held to preclude others from pressing them. Again, you cannot refuse to produce it before a Court of Law if so required, so long as it is in your custody. If you say that it is destroyed, which you have not now stated, secondary evidence at once becomes admissible under the law.

XI. (1) You not only read out your written explanatory note in your own favour as already stated above, you also read your letter dated 23rd July 1941 to Dr. Sampathkumaran in support of your view, although I objected to it as not being relevant. The question at issue was as to what happened at the meeting on 19.7.1941, and not what you wrote to Dr. Sampathkumaran four days after. You have neither proved, nor even alleged, that you had recorded the objected version before you wrote your letter dated 23rd July 1941. Such a theory is inadmissible, and I have already stated my reasons to hold that you must have recorded it on some date subsequent to 26th July 1941. If so, it is perfectly clear that

your action in holding the enquiry yourself cannot logically be deemed to be the consequence of a non-existing version of the Resolution, but that on the other hand you must have drafted the Resolution itself in support of the action already taken.

(2) You ruled out my objection, without assigning any reason, against the reading of your letter dated 23rd July 1941, although you were not competent to do so. I had a right to state for what reasons I considered that letter to be not relevant, but you did not allow me to do so. That letter does not contain your decision as represented by you before the Council. But if it is taken to be otherwise, it means that your yourself had made up your mind to exclude your three colleagues, even before Dr. Sampathkumaran ever raised his objection, since he raised it only on the next day for the first time in his letter dated 23/24th July 1941. So your good self shall have to be held entirely responsible for such exclusion. But you do not acknowledge such responsibility, and your whole case is that you held the enquiry alone on account of Dr. Sampathkumaran's objection to the presence of your colleagues. As a matter of fact you had not at all arrived at any decision on 23rd July 1941, and your conduct before and after that date negatives such a theory. Dr. Sampathkumaran's letter dated 23/24th July 1941 shows that you yourself had on the morning of 23rd July 1941, before you had written your letter to him on that date, informed him of the three colleagues who had to sit with you at the enquiry. You subsequently wrote your letter dated 23rd July 1941 which he received at 1.10 P.M. You have not stated in that letter that you had decided to exclude your three colleagues and hold the enquiry yourself, and you cannot import into the letter what it does not expressly state. Moreover, the fact that on the next day you had a "discussion" with Dr. Sampathkumaran, as admitted by you in your letter dated 26th July 1941, conclusively proves that both of you never understood your letter dated 23rd July 1941, in that sense. But you pressed the University Council on 9th August 1941, to understand it in a sense in which neither you nor

Dr. Sampathkumaran had understood it. Can this be said to be fair or impartial?

(3) Your own letter dated 26th July 1941 fully demolishes your theory. It was this letter which was really relevant, and I had a right to invite the attention of the Council to your clear admissions contained therein and to their obvious implications. You say in that letter as follows:--

"In view of the stand he (Dr. Sampathkumaran) took, I discussed on the 24th instant when he met me the issue whether he was entitled to demand that, when he was examined, the Members of the University Council should not either be present or ask any questions."

If your letter dated 23rd July 1941 really represented your decision to hold the enquiry yourself excluding the three colleagues where was the need to have discussed the same matter on 24th July 1941, as stated above? Did you give any explanation in this respect to the Council as you ought to have done? Was it not your duty to have placed this letter also before the council, and reconciled the manifest inconsistency between your interpretation of your letter dated 23rd July 1941 and your subsequent conduct on the very next date? Again, if you really understood the Council decision on 19th July 1941 as authorising you to hold the enquiry yourself excluding your three colleagues, nothing could have been easier than to have stated so in plain language to Dr. Sampathkumaran on the morning of 23rd July 1941, and proceeded with the enquiry straight away. What prevented you from informing me and Mr. McAlpine of it, in reply to our letters of objection dated 28th July 1941 and 31st July 1941, respectively?

(4) Again, if that was really your decision on 23rd July 1941, as you wanted the Council to believe, and if you felt no doubt or difficulty in the matter, why did you not say so in your letter to the Minister on 29th July 1941 on this subject? Why did you

request the Government for a ruling whether you may invite the assistance of the three colleagues?

(5) The result of your discussion with Dr. Sampathkumaran on 24th July 1941, as embodied in the first two paragraphs of the first day's proceedings, throws further light on this question. In regard to his objection to the presence of your colleagues at the enquiry, you admit that "the Vice Chancellor did not agree with Dr. Sampathkumaran". How do you reconcile this unmistakable admission with the theory of your decision under the terms of your letter dated 23rd July 1941? Again, if you "did not agree with Dr. Sampathkumaran", whose opinion had to prevail? As chief Executive Officer what steps did you take to call upon him to honour your opinion and submit to the authority of the Council? Why did you not at once invite your colleagues to sit with you in the enquiry in assertion of your opinion? Having differed from Dr. Sampathkumaran, on what principle did you surrender your judgment and sacrifice the authority and dignity of the Council? Having failed to uphold the authority of the Council, you ceased to function as its chief Executive Officer. Having failed to give effect to the terms of the decision of the Council, arrived at after a lengthy discussion for more than fifty minutes on 19th July 1941, you have no right to claim recognition by that Council of the proceedings held in defiance of its authority.

XII.(1) It is therefore clear, from more than one view of the case, that you placed a wrong letter (dated 23rd July 1941) before the Council on 9th August 1941 and made a misrepresentation, that the decision of the Council therefore became tainted, and that it cannot be said to be binding in the eye of the law. Having introduced such a letter to support your case and withheld the most relevant material documents having a direct bearing on the question at issue, you have yourself provoked controversies. I have every right to examine all their aspects and implications, and if I lift the veil and show their true complexions you have no

no right to blame me. In his letter dated 23/24th July 1941 Dr. Sampathkumaran refers to the Telephone conversation between you and him on the morning of 23rd July 1941, and there is no record to show what all took place at that conversation. You were sitting as a judge at the enquiry. Your function was to make an impartial search for truth, and the investigation had to be made with care and accuracy. But it is unfortunate that oral discussions, conversations on the phone and confidential conversations between you and Dr. Sampathkumaran form a prominent feature in this enquiry, and that no record of such conversations is kept. The evidence reveals the astonishing fact that in such conversations (i) he frequently discussed with you on the merits of the case, and (ii) made complaints or representations against the members of the University Council. On those occasions, you "appreciated the reasonableness of his arguments", and revealed to him confidentially the exact lines of action which you proposed to take in the enquiry, and he was delighted to know it from you and greatly appreciated the virtues of your proposals. Dr. Sampathkumaran's letter dated 25th July 1941, convincingly proves that your good self gave him "personal instructions", to "submit a representation stating his objections for the presence of the University Council members at the enquiry". The whole thing looks as if the members of Council themselves were on trial before you. Thus, it is as clear as crystal that you yourself directly encouraged Dr. Sampathkumaran to complain to you against the colleagues of your own choice and helped him to turn the scale against them. The very person whom you treated as accused was advised to become the accuser, and as the result of the secret combination between the judge and the accused the three members appointed by the Council at your own request were pulled down from their seats. This was a great tragedy, and it was unfortunate that you should have interested yourself on behalf of a person, whom you were

expected to try, to such an extent and directly instigated him t impeach the integrity of your colleagues. Having so identified yourself with Dr. Sampathkumaran and become his adviser and Advocate, you were no longer competent to sit as an impartial judge in the enquiry, and the proceedings held by you in a double capacity are obviously tainted and deserve to be rejected by the University Council.

(2) Dr. Sampathkumaran's letter dated 25th July 1941, whic reveals the part taken by you in the above tragedy, is an illuminating document. In this letter he states how it would be against his interests to have any members of the council in the enquiry, and his real reason is expressed in the following significant language:--

" I strongly feel that this enquiry might be used to find, if possible, evidence to justify an adverse conclusion arrived at much earlier."

The object of the enquiry being to make an impartial investigation about the truth of the allegation made by a responsible member of the Council (Mr. McAlpine) relating to the mal-practice of Dr. Sampathkumaran's son, it was quite legitimate "to find, if possible, evidence" relevant to the above object of the enquiry. When, how, and by whom "an adverse conclusion had been arrived at much earlier", are matters which the Doctor has not explained, and he must be called upon to substantiate his allegation. If the Doctor thinks that the object of the enquiry was not to find evidence, even if available, in support of the truth of the allegation but to simply whitewash the whole affair, as suspected by the public according to the newspaper article already referred to, it only reveals his perverseness and moral degradation.

(3) He refers to another Telephone conversation between

you and him on 28th June 1941 at which he claims to have represented to you, "that no member of the University Council should be a member of the Enquiry Committee, since every member of the University has expressed strong opinions in the consideration of this case. I was indeed happy when you suggested that you would recommend to the Government to appoint a judge of the High Court to go into this matter." The fact that the Doctor emphasised in this letter that "you appreciated the reasonableness of his request", is a further proof to show that the serious question of the integrity of the members of Council was discussed and settled behind their back at this secret agreement between both of you, that you agreed to comply with his request to eliminate the Council members as desired by him, and that you even went a step further and gave him an assurance, to his great delight, that you would recommend to Government for the appointment of a High Court Judge. What a contrast between this mental attitude of yours towards the Doctor and the significant remark made by you at the meeting of the Council on the same date (28th June 1941), when I asked you a harmless question about the enquiry! Your remark was "Have I no other work to do? That is not the only work to engage my attention." In the face of these astounding revelations, it is impossible to hold that the interests of truth have not been sacrificed, and that the above objectionable methods have not led to miscarriage of justice. It was in pursuance of the above secret agreement between you and the Doctor on 28th June 1941, that you adopted his theory of disqualification of the council members, further developed it and invested it with your authority as Vice Chancellor, and used it against them in your circular letter dated 4.7.41, in order to justify your promised proposal for the appointment of a High Court Judge, to hold an enquiry in the case of what was after

all a mal-practice

of a student. Your reflection against "most of the members of the council" naturally provoked great resentment, and there was an exciting discussion at the meeting of 19th July 1941. You know that I took strong exception to it and pointed out how your remarks were unfair and objectionable. I requested you to record by objection as well as my reasons therefor. You agreed to do so and gave instructions to the Registrar to record them. But you entirely forgot all about it and omitted to include them in the proceedings. When I drew your attention to the omission in my letter dated 4th August 1941, you have stated in your letter dated 7th August 1941:--

"It is not clear whether during the meeting you objected to the Vice Chancellor's proposal or to anything else. If you will kindly send a note of what you desire to be included, necessary action will be taken." This shows that your recollections as to what happens at meetings very soon fade away even as regards controversial matter, and that proceedings are not drafted when recollections are still fresh. The law requires that important discussions, arguments and objections must be properly included in the proceedings of the meetings. In the present instance, you had agreed to record my objection and my reasons, and you should not have omitted them in the proceedings. If you were not sure of your recollections you should have written to me before drafting the proceedings, and not after my pointing out the omission on the receipt of the copy. Moreover, it is your duty to properly record the proceedings of meetings, and you cannot transfer that duty to me. Again in the proceedings of the meeting of the same date, viz, 19th July 1941, your letter dated 4th July 1941 to the members of the Council proposing to immediately write to Government to appoint a High Court Judge to hold the enquiry, which ought to have been included in the reading portion of the Resolution, was also found to have been omitted. I note that you have promised, in your letter dated 7th August 1941, to include it

by means of a correction slip.

(4) When Dr. Sampathkumaran was freely making references to the oral discussions and personal conversations between him and your good self in regard to the various points connected with the enquiry, you at once warned him not to make such references, in your letter dated 26th July 1941. Your warning is with special reference to the conversation of 28th June 1941, and you say in your letter that it is not correct to quote such conversations and oral instructions and that both them have to be confirmed. It is objectionable to conduct a quasi-judicial enquiry by means of oral discussions and personal conversations, and it is for you to explain why a record was not kept of such conversations. If the most vital portion of the enquiry consists of such conversations and personal instructions, how is the truth to be brought to the surface if references could not be made to them? If important evidence of a conclusive character is contained in such conversations and personal instructions, on what principle and under what law can such evidence be concealed and driven to the bottom? If the findings and conclusions of the Vice Chancellor are influenced by such conversations and personal instructions, is it just or fair to hide them? While the law of Evidence, which provides legal methods to find out the truth in an enquiry, fully recognises the evidentiary value of such conversations and personal instructions, how is the Vice Chancellor competent to lay down a contrary maxim and reverse that Law and the legal methods sanctioned by it? Again, you say in the same letter that "you have no recollection of the conversation". I take this as an admission that your recollections are apt to fade away at times, and that you cannot correctly recall to your mind what happens on a given occasion after a few days. As regards the interesting conversation between you and the Doctor on 28th June 1941, you say in your letter that "you are not prepared either to accept or deny the details in the paragraph". What is the legitimate inference that emerges

from this proposition? It is dangerous to admit them, but at the same time it is difficult to deny them. Is this not an extraordinary position for you to take?

XIII. (1) In regard to your own recollection of what happened at the meeting on 19th July 1941, I had a right to point out that it cannot be taken to be the deciding factor. Your unexplained omission to record in the proceedings the whole Resolution passed on 26th April 1941, after a lengthy discussion for seventy minutes on the subject of holding a re-examination for candidate No. 163, is a strong instance in point. Again, you have yourself confesse in your reply on 26th July 1941 to Dr. Sampathkumaran your inabili ty to retain recollections of oral conversations; and the Registra has also stated in his reply dated 7th August 1941, that your reco lections of my objection regarding your proposal for the appointment of a High Court Judge raised in the course of the discussion of the same subject on the same date, viz, 19th July 1941, have become hazy and that he is unable to make a correct record of the said objection and the reasons therefor, without the assistance of a note from me as to what happened at the discussion. It is there fore clear that your own recollection of what happened on the said date, viz, 19th July 1941, about the discussions leading to what was an appointment of a committee of enquiry, according to the distinct recollections of myself and Mr. McAlpine, must be taken to be an uncertain factor. The stubborn fact that you have given three different versions of the same Resolution, as I have already pointed out in para X(2) above, is a convincing proof that your recollections have failed you in this respect and cannot be safely relied upon in the decision of this controversy.

(2) Let me state one more convincing instance in support of this conclusion. About your delay in sending the copy of the proceedings what I stated in my letter dated 4th August 1941 was as follows:--

"I note that the copy of the proceedings in this instance has

been sent after the completion of the whole enquiry by the Vice Chancellor himself, which he was not competent to hold ignoring the committee appointed by the University Council."

I never suggested that you recorded the resolution itself after the completion of the whole enquiry, and my statement certainly does not admit of such an interpretation. But to my misfortune your recollection failed in the course of five days, and on 9th August 1941, you were pleased to make a false charge against me in the Council, and you stated that "I had alleged that you had ~~dropped~~ drafted the Resolution of 19th July 1941 after the completion of the enquiry". I at once contradicted it and pointed out that you were unfair since you imputed to me a statement which I had never made, and asked you to read out my letter. But you did not do so. Nor did you withdraw your false charge and express regret for it. You allowed the false charge to remain, and unjustly created an atmosphere unfavourable to me and favourable to yourself. It naturally prejudiced the minds of the Council Members and vitiated their decision in your favour.

For the above reasons I request you to place my note before the next meeting of the University Council,

"Copy"

Yours Sincerely,

P. Mahadevayya

To

Rajakaryapravina
N.S. Subba Rao, M.A., (Cantab)
Bar-at-Law,

Vice Chancellor,
University of Mysore,
Bangalore.

N. BALAKRISHNAIYA, B.A., LL.B.
ADVOCATE
ಎನ್. ಬಾಲಕೃಷ್ಣಯ್ಯ, ಬಿ.ಎ., ಎಲ್ಎಲ್.ಬಿ.
ಅಡ್ವೊಕೇಟ್

RESIDENCE: 'HOMESTEAD', SESHADRIPURAM
ವಾಸಸ್ಥಳ: 'ಹೋಮ್‌ಸ್ಟೆಡ್' ಶೇಷಾದ್ರಿಪುರಂ.
OFFICE: BALEPET CHOWK, BANGALORE CITY
ಆಫೀಸು: ಬಳೇಪೇಟೆ ಚೌಕ, ಬೆಂಗಳೂರು ಸಿಟಿ.

6th November 1941.

To,

The General Secretary,

The Government of Mysore,

Bangalore.

8/11/41

Kindly find herewith a copy of my note on the conduct of the Botany Honours Examination of 1941. (under separate cover)

Yours Sincerely,

N. Balakrishnaiya

NOTE ON THE ENQUIRY INTO THE CONDUCT OF THE BOTONY HONOURS EXAMINATION OF 1941.

by N.BALAKRISHNAIYA.

The Vice-Chancellor's final report which is termed by him as amended report was placed for consideration before the University Council on the 27th September 1941. Certain questions were framed by the Vice-Chancellor as arising from the report and answers were recorded on the principle 'of decision by a vote of majority'. In what form the ultimate communication is made to the Government is not known; but in the meanwhile a copy of the dissenting minute by Dr.B.K.Narayana Rao has been circulated to the members of the University Council. What action ensues on this is again not known; but the dissenting minute is a document, highly condemnatory of the members of the University Council and the staff of the University and it also embodies a thorough distortion of facts. I have therefore found it necessary to send this note in order to give a continuous and cogent account of how the enquiry was started, how later events contributed to protract the enquiry, how personal considerations were brought in at the various stages of enquiry, how irregularities of law and of procedure were allowed to creep in, how therefore the report is faulty, and finally, to show how the evidence is to be properly valued to meet the ends of justice.

Reasons for this note.

Objects of the note.

It is very necessary, at first, to give a <u>historical account</u> of the enquiry so as to focus clearly on all the events at play during the several stages of the investigation.

Historical account of inquiry.

HISTORICAL ACCOUNT -- SECTION I.

On the 26th April 1941 the University Council met, among other things, to publish the results of the University Examinations of 1940-41. The Vice-Chancellor on his own initiative, pointed out to the University Council how the candidate, bearing Reg. No.163, had secured a first-class, in spite of his being an average student, and how the marking of the answer papers showed an abnormality, how the Chairman, the father of the candidate, had, very unusually (unprecedented in the University) valued a maximum number of papers, and how the marks given by him were systematically lower, than those of the foreign examiner, suggesting thereby a camouflage on the part of the father to avoid suspicion. He also suggested a revaluation on this account, but demurred to a suggestion of Mr. Mahadevayya that, since there was a possibility of the questions having leaked out, the candidate be re-examined with a Board of Examiners constituted from North Indian Universities. Messrs. J.Mohamed Imam and B.K.Narayana Rao opposed, but without success. Mr. McAlpine however added at the end of the discussion that "when the candidate does not secure a first-class in the re-examination then is the time to enquire into the conduct of the father (Dr. M. A.Sampathkumaran). The procedure that is followed by the University Council in cases of reports of mal-practices is that the Vice-Chancellor makes a statement; the Council accepts it on its merits, and adjudicates on the spot. Scores of such mal-practices have thus been disposed of by the University Council and there was nothing therefore unusual in the above

University Council meeting 26th April 1941.

Vice-Chancellor's suspicions.

Decision to re-examine candidate Reg. No.163.

Mr. J.Mohamed Imam and Dr. B.K.Narayana Rao oppose.

Mr.Mc.Apline's warning.

above procedure. But the complication set in, when the friends of Dr. M.A.Sampathkumaran realised that, if in a re-examination the candidate should fail, "as indeed he might seeing that every one is surprised at his first-class including even the father", the father would get into trouble -- he was an Officer on the eve of retirement getting a salary of Rs.1,000/- a month which it is rather hard to sacrifice; and so, the friends of the Professor got busy to prevent the re-examination of the candidate.

Apprehensions of Dr. M.A.Sampathkumaran's friends.

It must also, at this stage, be pointed out that there is not a single case on record in the University where a student, getting between 20% to about 46% in all the subjects at the Intermediate classes, has ever been admitted into the B.Sc. (Hons) class, and much less has secured a first-class. There have no doubt been several cases where students, failing in the Intermediate class have been admitted into the Natural Science Honours class and have secured first-classes, but they are invariably men, who had failed in English, Chemistry or Mathematics, but were undoubtedly first rate men in the Natural Science subjects themselves. Reg. No.163 is therefore a <u>unique</u> case in the University, and divested of external help, it was perhaps feared that he was bound to fail, and Mr. McAlpine's warning "then is the time to enquire into the conduct of the father", acted as a death-knell to the friends of Dr. M.A.Sampathkumaran. The Council in the same meeting recommended Professor B.M.Srikantiah instead of Dr. M.A.Sampathkumaran for the Principalship. Mr.McAlpine opposed the ~~proposal~~ appointment of Dr. M.A.Sampathkumaran as principal on the ground of the latter's administrative inefficiency.

No other case in the University of the type of Reg. No.163 getting a First Class

On the 10th May 1941, the University Council met. At the end of the meeting Mr. J.Mohamed Imam re-opened the question of the re-examination of Reg. No.163 -- though it was not on the agenda. Dr. B.K.Narayana Rao joined him. The Council could not go back on its resolution of the 26th April 1941. Facts remained the same. The Vice-Chancellor, however threw out a suggestion to Mr. Imam in the following words: "If it was a question of re-opening the matter about the re-examination, it is an entirely different matter". Mr. Imam did not immediately take up the suggestion and press for reconsideration.

University Council 10th May 1941.

J.Mohamed Imam re/opens the question.

Vice-Chancellor's suggestion.

Curiously enough the Vice-Chancellor did not report to the Council what action he took in the matter of re-examination of the candidate Reg. No.163. He now offers the excuse that names of North Indian Examiners were not available from 26th April to 31st May. They are however available in the Interversity-Handbook at a minute's notice.

Vice-Chancellor delays giving effect to Council Resolution dated 26th April 1941.

On the 31st May the Council met. The Vice-Chancellor's suggestion in the Council of 10th May that the question could be re-opened, fertilised in the minds of the friends of Dr. M.A.Sampathkumaran. The Vice-Chancellor brought up the names of North Indian examiners for consideration by the University Council. The Vice-Chancellor was entrusted with the task of conducting the re-examination. He could have done so immediately after the 26th April without waiting to report the names of the examiners to the University Council. It was an urgent matter. The Vice-Chancellor could take statutorily the initiative in urgent matters. He, in fact, takes

Council Meeting 31st May 1941.

takes very large initiative in all matters. But in this simple matter of North Indian examiners, he did not take the initiative, and let it drift for itself. Dr. B.K.Narayana Rao caught at the suggestion of the North Indian examiners, charged the Vice-Chancellor of having made a false allegation against Dr. Sampathkumaran that he leaked out questions to his son; The Vice-Chancellor denied the allegation: Dr. B.K.Narayana Rao used unbecoming and unparlimentary language and even called upon Mr. Imam to testify to his recollections of the Vice-Chancellor's statements. Dr. B.K.Narayana-Rao then made a scene, highly reminiscent of a classical melodrama, and charged the Vice-Chancellor thus, "you are murdering the boy and poisoning the father". The re-examination of the candidate was postponed pending an enquiry into the irregularities of the examination. The irregularities were mentioned in the Council by Mr. McAlpine. To Friends of Dr.M.A.Sampathkumaran, the diversion of the Council into an enquiry was a lesser evil than a re-examination of the candidate. Mr. McAlpine said "if the candidate does not get a first-class, then is the time to enquire into the conduct of the father". The terror of re-examination was not got over. The energies of the Council were now dissipated into an enquiry.

Dr. B.K.Narayana Rao charges the Vice-Chancellor.

Friends of Dr. M.A. Sampathkumaran feel enquiry a lesser evil than re-examination.

The enquiry was then to be conducted. The first thing was to get at the note books of the candidate Reg. No.163 so that the real merit of the candidate, at least from one source, could be gathered. The Professor evaded, the Vice-Chancellor complained. The Vice-

Vice-Chancellor had taken the suggestion of four other University Councillors (Mr. McAlpine, Mr.Mirle Lakshminaranappa, Mr. Mahadevaiyya and Dr. B.K.Narayana Rao) as to the procedure to be adopted. He never felt comfortable to conduct the enquiry himself. He always wanted a "body of persons" to assist him. But on the 4th July 1941 the idea of appointing a High Court Judge to conduct the enquiry came in from somewhere. The Vice-Chancellor wrote to the University Council that the next stage after his preliminary report of 4th July, was to appoint a committee, but that he hesitated to do so, as some of the University Councillors had expressed strong feelings against the appointment of a Committee from among the members of the University Council. Mr. J. Mohamed Imam and Dr. B.K.Narayana Rao had expressed such strong feelings. Mr. J.Mohamed Imam was now on the 4th of July the Minister for Education. The Vice-Chancellor was prepared to recommend immediately to the Government about the High Court Judge Idea. The High Court Judge idea came from somewhere. The Vice-Chancellor now denies that there ever was an idea of appointing the Committee. But the idea was always there, even in his own report. I had sent a proposition to the University Council, prior to 28th June 1941, for appointing a Standing Committee called the 'Malpractices Enquiry Committee'. To the letter of the 4th July regarding the appointment of a Judicial Tribunal, I wrote to say that the University Council could not surrender its powers to an outside authority. On the 19th July the Council met. The High Court Judge idea was battered to the skull. Royal marriages and Silver Jubilee celebrations had given ample excuse to the Vice-Chancellor to delay further

Vice-Chancellor consults four other members of the University Council about the procedure in enquiry.

Idea of appointing a Committee Vice-Chancellor's apprehensions.

The High Court Judge idea.

Committee & High Court Judge.

further enquiry. The Library note books had meanwhile been submitted. Even sketches in the interleaves had been got up by the Professor with the connivance of Mr. S.B.Kausik to make the note books look as authentic and appear as though they were written from 1938 to 1941. The High Court Judge idea had come from somewhere and it had to be got approved in the University Council. Royal marriage and Silver Jubilee celebrations put off the High Court Judge idea till the 19th July 1941.

Council Meeting 19th July 1941.

High Court Judge idea dropped.

On the 19th July the Council met. The High Court Judge idea vanished. The Vice-Chancellor once again felt unwilling to conduct the enquiry all by himself. He again wanted a 'body of persons' to assist him. And a body of three persons was chosen. 1. Mr. McAlpine was a British official of high repute for maintaining discipline and chastening services of corruption; he is a stern judge of men and not an easy compromiser. 2. Mr. Mahadevaiyya had all the richness of judicial experience in matters of procedure and of law and an invaluable asset in an enquiry likely to be vitiated by defects of procedure or of law. 3. Mr. M.N.Lakshminaranappa is the Advocate-General and the conscience-keeper of the Government.

'Body of persons' to assist the Vice-Chancellor's enquiry.

Dr. M.A.Sampathkumaran's contention.

On the 23rd July 1941 Dr. M.A.Sampathkumaran suggested that he should be examined according to Standing Order 212 etc., and alleged that no member of the University Council should be present at such enquiry, etc., (he has curiously enough here repeated the reasons in the Vice-Chancellor's note of the 4th July almost verbatim). "The body of persons", that indispensable, illustrious team chosen by the Vice-chancellor himself, a team enviable in its personnel

personnel for legal talent and sternness of character, was dropped by the Vice-Chancellor, on the mere representation of a subordinate Professor, who did not merely plead to be examined under Standing Orders, but also levelled a serious charges against the University Councillors, -- it is extraordinary that the Vice-Chancellor accepted his contentions and straight away referred the matter to the Government without even consulting his colleagues. It was a matter involving the fundamental rights of a statutory autonomous body like the University which had been given special powers of appointing and dismissing its subordinates, a power ~~for years and~~ not conceded to any other body. The University Council had been in quiet enjoyment of these powers for years and had appointed and punished its officers accordingly in previous years. The Vice-Chancellor himself was an ardent exponent of the University Council's autonomous powers. Recently, when the Government directed that Miss Cotelingam be appointed Principal-in-charge reverting Sundari Ammal, the Vice-Chancellor represented to the University Council thus:- "The Government ~~must~~ should not interfere in this matter".

Vice-Chancellor surrenders Statutary powers of the University Council.

It is extraordinary that such a believer in autonomy should suddenly abandon it and independently of the Council and without consulting~~th~~ the Council, corresponded directly with the Government in the matter of the protest by Dr. M.A.Sampathkumaran. The contention was ultimately perhaps to be referred by the Government to the Advocate-General or the Law Secretary for legal opinion, and the Advocate-General was one of the 'body of persons' already appointed by the University

Vice-Chancellor's action extraordinary.

Regarding his said procedure, the Vice-Chancell.. says that the members of the University Council, except two, did not protest. I protested, and had been protesting continually from the 14th July upholding the prestige of the University Council as an autonomous body and had followed up my protest in my subsequent letters, dated ~~the~~ the 30th July, 2nd August and 6th August. I had even challenged the Vice-Chancellor's powers to write independently of the Council to the Government at all. But the Vice-Chancellor ignored all these.

Vice-Chancellor's action in writing to Government challenged.

The result is that the Vice-Chancellor's document of enquiry is a document defective in law and irregular in procedure. The provisions of Statutory Law like the University Regulation of 1933, which ought to override earlier directory executive orders, have been surrendered. The father was examined instead of the son. The Vice-Chancellor goes on to defend his procedure by saying that the father was the person really accused, and gives chrolologically, events to support his theory. To take his own words "the purpose of the enquiry was to find out whatever illicit help had been received by the Candidate Reg. No.163". "The four stages of the candidate getting illicit help" had to be enquired into. It is evident from the Vice-Chancellor's explanation that the enquiry was really into the illicit help received by the candidate. The father had also rendered illicit help, but others also had rendered likewise illicit help. It was only the father that was consulted about the mode of enquiry and not others; why, this partiality. It is illicit help (malpractice) that is within the purview of the University Council, and Dr. M.A.Sam-

Defects of Vice-Chancellor's procedure.

Dr. M.A.Sampathkumaran being one of the offenders, as the Vice-Chancellor himself argues, was the last person to render help in the investigation. The enquiry proves quite tragically the defects in the procedure adopted. Evidence had been concealed and manufactured by the Professor under his Official influence. It is futile now for the Vice-Chancellor to defend his irregular procedure. His colleagues in the 'body of persons' appointed by the University Council to render him assistance, could and would have prevented him from these legal pit-falls.

First Report or the Vice-Chancellor distinguished from the second.

The Vice-Chancellor's report is a document defective in law, and the first report is vitiated by false evidence procured through the official influence of the Professor. But the latter remark does not apply to the second report. The Vice-Chancellor had been enough jolted by two or three of his colleagues after the first enquiry. The Vice-Chancellor's second enquiry is a document of pathos for him. The Professor accuses the Vice-Chancellor of obtaining evidence by the third degree methods. The Professor refused to answer the questions, characterises the Vice-Chancellor's questions as absurd, the statement of witnesses as absurd and the evidence as manufactured. The Vice-Chancellor has had his nemesis.

Council Meeting 23rd & 27th September 1941.

On the 23rd and 27th September 1941, the Council met in special meetings to finally dispose of the Vice-Chancellor's report. Mr. Mahadevayya had, on the 11th September, sent a very valuable document pointing out irregularities in the enquiry, and showing how the Vice-Chancellor has often been prevaricating and evading odd issues, which inferentially led to create an unfortunate

unfortunate impression that he was not ~~xxxi~~ anxious to get to the truth but was rather inclined to help the Professor. This impression gained further - ground by the fact that in the proceedings of the meeting dated the 26th April, the resolution to re-examine the candidate Reg. No.163 was omitted. He explained himself recently that the omission was due to oversight in the office. Incorrect or wrong records often raises a reasonable suspicion about the bonafides of the recorder, especially when the resolutions pertained to important matters involving vital issues. It was also recorded in the proceedings of the meeting dated the 27th September 1941 that "no action be taken against the Professor", which recording was in direct contravention to what was actually decided in the Council Meeting. It therefore follows that the present enquiry is unique in these aspects namely, that, firstly, in the proceedings of the 26th April an omission of a very vital resolution was made; and secondly, on the 27th September, a wrong commission of the recording was made, so that in the first omission the Government was kept ignorant of what was happening; and in the latter commission, the Government was thoroughly misguided about the attitude of the University Council towards the Professor.

Unique recordings of the University Council resolutions.

Vice-Chancellor's want of grace.

In spite of his repeated insults to the Council, when I proposed that the Vice-Chancellor should apologise to the members of the "body of persons", charged by the Council to assist him in the enquiry, for having dropped them for no fault of theirs and also because two members of that body felt insulted, the Vice-Chancellor had not the grace to offer an apology, but rather chose

chose to confirm his insult by not admitting the proposition for discussion. He could not feel penitent for having let down the statutory powers of the University Council. He was adamant about his being right in his wrong, not being able to differentiate his powers as the Head of the department, and as the Chairman of an autonomous body like the Council.

SECTION II -- THE VICE-CHANCELLOR'S REPORT EXAMINED.

At the outset alone, I must point out that the various conclusions drawn by the Vice-Chancellor are either not supported by evidence or are the outcome of fallacious inferences. It is not possible to point out all of them but I will refer only to a few of them and these few are sufficient to establish that the final conclusions arrived at by him are unsustainable.

Vice-Chancellor's wrong inferences.

The Referee opined that answers of candidate No. 163 to some of the questions in all the six papers revealed a very high standard of capacity whilst his answers to the other questions in all these papers showed a very low standard. The explanation for this according to the Vice-Chancellor is that the student might have expected the questions and as such prepared for them. This in itself implies a shrewdness and capacity in the student which is belied by the very low standard of answers to the other questions. This simultaneous existence of the best and the worst in all the six papers is incompatible with any hypothesis other than the true one, viz., that he knew the questions beforehand and had gone prepared for them, and where such was not the case, he revealed

Referee's opinion.

revealed himself in his true colours, i.e., very low standard. I contended, in the University Council meeting held on the 27th September 1941, that such symmetrical expectation by only one candidate in each one of the 6 papers, was a pehnomenon unknown in examinations, and that therefore, it should be rather inferred that the student knew the questions. To strengthen my conclusion, and in conformity with the practice in vogue in America, I wanted this question to be put to the Principals and the Professors in the University Council and their answers obtained. The Vice-Chancellor, however, declined to do so. Thushe lost the opportunity of getting the most valuable help in deciding this question and incidentally a possible unfavourable finding against the Professor, was avoided.

Expert opinion avoided.

Similarly, he dismisses the suspicion that the Professor had marked his son in theory papers symmetrically lower, by as low a difference as one or two marks than his friend Dr. Raghavan, so as to avoid any suspicion of biassed valuation. As an experienced examiner himself, the Vice-Chancellor should rather have concluded that the symmetrical marking, taken with the fact that the Professor had looked into the marks lists of his colleagues, was undoubtedly indicative of a symmetrical leaking out of questions, which resulted in symmetrical answering and symmetrical marking.

Leaking out of questions.

Again, in the first report, the Vice-Chancellor tried to explain away the high score of the student in the practical examination as due to the fact,

Vice-Chancellor's general tendency to 'white-wash'.

"that it does happen that the students who do not do well in the written papers come out with flying colours in the practical examination". The above general tendency of the Vice-Chancellor to "white-wash" the whole enquiry, unfortunately landed him in the second enquiry into the enormous and over-whelming evidence of finding that the greatest amount of illicit help had been rendered to Reg. No.163, in the practical examination. The Vice-Chancellor therefore is not infallible, in interpreting these various incriminating circumstances that occurred during the conduct of the Botony Hons. Examination of 1941.

Studied avoidende to record serious charges.

Again, though he points out the misappropriation of money by the Professor, yet he does not frame a question in that behalf in the University Council meeting dated the 27th September 1941. Once again, though the complicity of Mr. Sampathkumaran (nephew of the Professor) in rendering illicit help to candidate Reg. No.163 is established, yet the Vice-Chancellor does not propose to the Council what action is to be taken against him.

Error of judgment in exhonerating the Professor.

The greatest error of judgment is committed when the Vice-Chancellor says, "that some persons helped the candidate does not necessarily mean that the Professor was either aware of them or still less that he connived at them". The whole evidence unmistakably disclosed that the Professor has been privy to every act that helped the candidate No.163 to get a first class, from the marking of the classwork right up to the practical examination. He knew that his nephew had been rendering help to his son at the practical examination, because he gives evasive explanations for his nephew's

presence in the department, while other witnesses testify to his (nephew's) rendering illicit help in the examination. He denies also his son having cut his finger on the second day of the practical examination, a thing otherwise noticed by everyone else. He noticed also, that his son had very surprisingly got the highest marks on the second day of the practical examination. Yet he hid not investigate the surprise because he knew that his son had received adventitious help. The Professor had also told his son that he would be given the plant worked by Mr. Vyasaraja Rao, because his son had confessed this fact to others. The Professor therefore had connived at the nephew being in the department and helping his son.

Prefers a nebulous finding against the Professor.

Finally, though the Vice-Chancellor points out the irregular administration by the Professor of his department, his false accusation of the Vice-Chancellor and the members of the University Council, his manufacturing false evidence, and his cutting off the work of his assistants in the Central College, etc., he hesitates to make specific mention of the grave seriousness of his actions, and does not evaluate the extent of the offences committed by the Professor. He therefore prefers a nebulous finding, showing his bias in favour of the Professor. He is strangely enough more emphatic about the crime of the son. Evidently he is forced to choose the lesser of the two evils!

SECTION III -- CHARGES TO BE FRAMED AGAINST VARIOUS OFFENDERS.

CHARGES FRAMED.

From the evidence available, the following charges are clear against No. (1) the Professor, (2) Candidate Reg. No.163, (3) Mr. M.A.Sampathkumaran (nephew),

(4) Mr. S.K.Narasimha Murthy, (5) Mr. S.B.Kausik
(6) Mr. K.N.Seshagiriah and Mr. K.Rangaswamy.

Charges against Dr. M.A.Sampathkumaran, Professor of Botany.

Against Dr. M.A. Sampathkumaran. 1-15.

1. He leaked out questions to his son to the extent of 2 or 3 in each of the six theory papers. The symmetrical answering of questions in each paper to the extent of 2 or 3 being best answers and 2 or 3 others being very bad, clearly bears this out. The possibility that the student could have stolen the papers is excluded because, Dr. M.A.Sampathkumaran in his evidence, asserts that the question papers were locked up in his personal custody, and therefore the only leakage possible could be through word of mouth of the father to the son.

Altering 'Zero' marks.

2. He altered the "zero" marking of the library records, given by his assistants, to a higher mark and submitted such inflated false records to the University. To prevent its detection he has either destroyed or secreted the original marks list. This is borne out by Mr. Seshagiriah's evidence at the second enquiry.

Destruction of Marks lists.

Omission to investigate mal-practice in the Practica examination.

3. On the second day of the practical examination, when his son cut his finger, and could not do well, and yet got thehighest marks in the practical examination, and even though Dr. M.A.Sampathkumaran, according to his own statement, was greatly surprised at his son's performance, yet, he did not make any investigation pursuant to his surprise. This omission lends itself to a suspicion and warrants the inference that he was aware of his son being helped by his nephew and others.

9. He insulted the members of the University Council in his letter dated the 25th July 1941 and levelled false charges against them.

Charges the University Council.

10. During the enquiry, he behaved very rudely to the Vice-Chancellor and charged him with obtaining evidence by unfair means.

Misbehaviour towards the Vice-Chancellor.

11. He chose to judge his subordinates according to the evidence given by them either in his favour or against him and rewarded them or punished them according to the colour of their evidence in his favour or against him.

Judgement of subordinates

12. He interfered with the students of the Central College, from getting proper instructions from duly qualified assistants, like Dr. K.V.Srinath and S.K.Narasimha Murthy, both of whom had been lecturing to classes in the Central College, and he cut them off from such work, after the enquiry, because their evidence was not in his favour.

Interference with class work.

13. He endeavoured to deprive Bhakthavathsala Naidu, student, Final B.Sc. (Hons) from getting the first place in the second Yead Hons. Terminal examination and thereby tried to prevent his getting a subject scholarship, which he, Dr. M.A.Sampathkumaran, wanted to award to another student Sharma, by name.

Manipulation of marks to award Subject scholarship.

14. He himself gave false evidence throughout the enquiry (1) that his son submitted his own records along with another's for comparison, (2) that he unusually valued 5 out of 6 theory papers and all the three practicals in "the best interests of students and the efficiency of the examination", (3) that

Giving false Evidence.

(3) that he was always in the practical hall, during the examination, and (4) that he employed Narasimha Murthy unwarrantedly "in the best interests of students and efficiency of the examination", etc., etc.

15. He misappropriated moneys due to the Assistant Examiner both this year and in previous years, -- an offence again cognisible under the Indian Penal Code.

Misappropriation of money.

Charges against the candidate Reg. No.163.

1. He received illicit help on the second day of the practical examination from Mr. M.A.Sampathkumaran (his cousin) by getting sections described, sections cut, plants identified, which was all that was required in such examinations, and thereby he obtained help to the entire extent of his marks.

Getting illicit help in the practical examination.

2. He had known in advance a part of the questions in the theory papers from his father, the Professor.

Knowing Theory questions.

3. He had behaved impertinently towards the Vice-Chancellor during the enquiry and uttered lies about his submitting library records along with those of another for the same of comparison.

Misbehaviour and false evidence.

4. He had submitted another student's library records as his own at the examination in March 1941.

Submission of another student's class records.

5. He had submitted false records as genuine at the present enquiry, in collusion with his father, the Professor.

Submission of false records.

Charges against Mr. M.A.Sampathkumaran (nephew of the Professor).

1. He had rendered illicity help to candidate Reg. No.163 in the practical examination, on the second day, by describing slides, etc.

2. He was present in the Botany Department of the Central College during the whole time of the practical examinations, against the rules of the University.

3. He impertinently declined to submit himself to an enquiry by the University, which impeached his integrity as a graduate.

Charges against S.K.Narasimha Murthy.

1. He had rendered illicit help to students.

2. That he allowed himself to be coerced by his Professor to give false evidence.

Charges against Mr. S.B.Kausik.

1. Collaborating with the Professor in the manufacture of false records by sketching diagrams in them .

2. Giving false evidence before the Vice-Chancellor during the enquiry.

Charges against Messrs. K.N.Seshagiriah and K.Rangaswamy.

1. Giving false evidence, under instructions from the Professor, both in their written statements and the oral evidence, during the first enquiry.

2. Not reporting such duress to the Vice-Chancellor.

SECTION IV -- EVIDENCE EXAMINED TO SUBSTANTIATE THE ABOVE CHARGES.

Charges substantiated by evidence (Appendix A).

I now proceed to give a detailed account of the evicence available to prove some of the charges in the case of No.1, Dr. M.A.Sampathkumaran, No.2. Mr. S.K.Narasimha Murthy; I prefer to add them as Appendix A so as not to make this note too long. As a result of my detailed examination of the evidence, I have n o

no hesitation in saying that Mr. S.K.Narasimha Murthy is a creature of the very embarassing circumstances in which both the Professor and the Vice-Chancellor placed him, and that therefore he deserves to be treated as an 'approver' and pardoned. I however, cannot neglect to examine it in detail the dissenting minute of Dr. B.K.Narayana Rao to show how it is misconceived and how truly he has been responsible from the beginning for thwarting justice in the University Council. This constitutes Appendix B. Appendix C are copies of my letter to the Vice-Chancellor. Appendix D contains a list of malpractices and bunglements in past years.

S.K.Narasimha Murthy to be treated 'approver' and pardoned.

Dr. B.K.Narayana Rao's minute examined.

Appendicies A,B,C, & D.

SECTION V -- CONCLUSION.

In conclusion, I wish to point out how very legally unsound it is, not to frame definite charges against the several wrong-doers and obtain their explanations thereon. I raised this point as early as my letter to the Vice-Chancellor dated the 6th August 1941. I again reiterated this issue, viz., the framing of charges in the Council meeting, on the 27th September 1941, and requested the Vice-Chancellor to record my charges against the Professor which he did not. I have therefore been obliged to enumerate the charges in this note, which charges, in my opinion, must be referred to the respective wrong-doers and their explanations obtained. It is significant to note that Dr. B.K.Narayana Rao has already referred to this aspect by saying that the candidate Reg. No.163 was not in the first instance given an opportunity to explain himself. Both the father and the son have claimed this privilege from the University, as early as 18th May 1941, in their respective letters to the Registrar. I observe

Charges to be framed and communicated to the offenders for explanation.

observe therefore that these charges should be referred to the respective wrong-doers and their explanations obtained.

P.Mahadevaiyya's proposal to dismis the Professor justified.

I must also indicate how very important was the suggestion of Mr. Mahadevaiyya to dismiss Dr. M.A.Sampathkumaran from service, considering the magnitude of the wrongs committed by him. When one recalls to mind a decade of statistics of malpractices committed by the students of the University, and the punishments awarded to them (of Appendix D) as for instance, where students have been rusticated for 2 years each for misstatement of facts in scholarship forms, or for merely possessing on their person scraps of paper relating to the examination, or attempting to copy from such scraps of paper, or for mere suspicion of copying as evidenced by parallel answers, or, where students have been dismissed and debarred from the University for the theft of a bicycle or a saree; how could a Professor stand uncondemned when he misappropriated money, manufactures false evidence, and submits false records, and goes on abetting and protecting the student in the presentation of class records, in leaking out questions in theory papers, in supplying adventitious help in the practical examination, and finally flouting the authority when it calls on him to defend himself? How could a Professor committing such colossal crimes be retained in the University and be charged with the responsible duties of imparting knowledge and character to our young men and women? If we protect him in his moral turpitude, what right have we to insist on the ~~morals~~ morals of our young University men and women?

How can we also protect, Candidate No.163 from being permanently debarred from the University, when his compatriots have been worse penalised for f a r lesser wrongs. Knowing theory questions, getting enormous illicit help at the practical examination, submitting another students' class records as his own, manufacturing false records at the enquiry, and giving false evidence in support of his multiple crimes, should punish him more severely when his compatriots were dismissed and debarred for possessing scraps of paper on their person.

N.Balakrishnayya's proposal to 'debar' the student permanently justified

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APPENDIX A.

EVIDENCE WITH REGARD TO DR. M.A.SAMPATHKUMARAN.

The enquiry was conducted on the assumption that a professor of the standing of Dr. M.A.Sampathkumaran ought to be trusted to maintain the strictness of the examination and was not likely to be influenced by personal considerations. The Vice-Chancellor did not make it his task to enquire from the point of view, whether there had been any irregularities.

Deviation and irregularities disclosed during the enquiry fall under six headings:-

1. The submission and valuation of class records:

Irregular procedure in maintaining marks Register.

The procedure that is said to have been adopted for submission and valuation of class records has not been proper. It is full of defects. There is no attempt made to fix the responsibility on any person or persons besides the Professor, for, the irregularities are obviously present, and consequently the entire responsibility has to fall on the shoulders of the Professor. There is no method or standard prescribed for the valuation of class records. The whole procedure is unmethodical and arbitrary. No register is maintained to record the marks though other departments of the Central College have maintained such registers methodically, under the instructions from the University. This raises a suspicion if the marks lists have not been destroyed. A list of marks is stated to have been furnished by the valuers, Messrs. K.N.Seshagiriah and K.Rangaswamy, to the Professor. But Dr. M.A. Sampathkumaran does not produce the original marks lists prepared and signed by the above valuers, who handed them over to him; he does not give any satisfactory explanation as to their whereabouts. All his answers regarding the method or the procedure adopted in the valuation of the class records are evasive and unsatisfactory.

Marks Lists destroyed.

Candidate Reg. No. 163, submits anothe candidate's notebooks as his own.

Dr. M.A.Sampathkumaran's son, candidate No.163 produced Library books of another student with a wrapper containing his name on it and tried to pass off these books as his own. When

When the valuers found this fraud and asked the boy for an explanation, the boy had no satisfactory explanation to offer. Consequently, they gave him zero under that heading. (Vide evidence of Messrs. K.N.Seshagiriah and K.Rangaswamy). This is a very grave misconduct on the part of a final B.Sc. Hons. student. But the Professor, who is his father instead of punishing the boy helps the boy by giving him marks. He goes further and gives an explanation of his conduct which is totally unsatisfactory. The boy escapes punishment and also gets marks because he is the son of the Professor who is also the head of the Department. The wrong committed both by the student and the Professor is very grave. Dr. M.A.Sampathkumaran aggravates his misconduct by saying that the passing of somebody else's Library notes as one's own has been in practice in ~~this~~ that department for over five years. This explanation is possibly to minimise the crime of his son. But he charges the department too gravely. It is difficult to condemn this attitude of his sufficiently. Professor M.A.Sampathkumaran further has not satisfactorily explained why he was reluctant to send the class records of his son until he was compelled by the Vice-Chancellor; when, he actually sent the books ~~that~~ They were found to be <u>some new ones altogether</u>.

Professor changes 'Zero' marks and protects the son.

K.Rangaswamy in his evidence says that he did not see the books of Alwar at the time of valuation in February 1941 with Mr. Seshagiriah, but, on the other hand noticed that every one of them had the name of Bhakthavatsalu Naidu on it. He further adds that very much later Dr. M.A.Sampathkumaran came and told him and Mr. Seshagiriah that he had seen a few books of his son. From Mr. Rangaswamy's evidence, therefore, there were no library records of Reg. no 163 at the time of the examination in February 1941.

Substitution of false records manufactured after 2nd June 1941.

Did they exist subsequently? -- No evidence has been adduced on this point, but did they exist on 2nd June 1941 when the Vice-Chancellor called for them for the first time or even on 10th July when the Vice-Chancellor wrote for them?

In the Report to the University Council dated the 4th July, the Vice-Chancellor recounts his demand of the notes Books as follows:-

On 2nd June he called for the Records personally but he found neither drawings nor Library work. The Professor was asked to obtain these, particularly from the candidate Alwa, his son, as well as from others "as early as possible". The Professor replied that the candidates were away from Bangalore (in fact, most of them were candidates for the M.Sc. class and were being interviewed by the Professor) but, that he would obtain them as early as possible. The Professor was told how important it was that he should produce records with the least possible delay, and he was reminded subsequently.

On the 28th June the Registrar called personally for the Records and only drawings were produced, and the Registrar was asked by Dr. M.A.Sampathkumaran to write direct to the students for Library Notes.

On the 4th July the Vice-Chancellor in the report to the Members of the University Council, complains that "The Records of Library work have not been produced so far".

Therefore the Library books were not present in February 1941, and were not present to the knowledge of the University (The Registrar and the Vice-Chancellor either by oral statement of Dr. M.A.Sampathkumaran or any written communication from him) even on the 4th July 1041. Later than the 15th July they were produced before the Vice-Chancellor.

When so produced the bulk of the notes is abnormally small and when Dr. M.A.Sampathkumaran is asked about it, he says that his son had thought it unnecessary to copy since his father had a personal library; though he is of opinion that even copying gives additional knowledge, and when asked whether there would an indication of his son having so consulted, in the Library Register (he knows that there is a record of his son having borrowed only <u>two</u> books), he brings in the "deus ex machina" of his personal library, but then, his conscience gives way, (for he knows his son has not been consulting his personal Library either) and he says that "<u>I think</u> he must have been using the personal Library".

The books were not there in February 1941, they were not produced till the 15th July, and when produced they are small in bulk, because they ~~were~~ might have been written after the 2nd June, i.e., from the date when the Vice-Chancellor made a demand for them for the first time. The crime is patent in Dr. M.A.Sampathkumaran's letter to the Vice-Chancellor dated the 16th July, when he voluntarily adds the platitude "The Library notes of my son have always been in his possession, and I was waiting for instructions to forward them to you. I am no taking the earliest opportunity of forwarding them to the Registrar by Registered post".

According to the Vice-Chancellor's report to the University Councillors dated the 4th July, the Professor was reminded several times, but though the notes had "always been with the son" and the earliest "opportunity could have been taken to forward them to the Registrar" they were not so forwarded. Dr. M.A.Sampathkumaran, on the other hand, now in evidence, gives evasive answers ~~the~~ on the delay, by saying, that the Registrar did not ask for them, again that it was awkward for him (Dr. M.A.Sampathkumaran) to ask the students, etc., ~~[illegible]~~

When the books forwarded to the Registrar as Alwar's library notes, written from 1938/41, are placed before Mr. Rangaswamy in the present enquiry, dated the 28th July 1941, and the Vice-Chancellor asks -- "Will you please look at these books in the name of Mr. Alwar Iyengar and say if you saw them at the time you went through the Library Records of students of 1941?". Mr. Rangaswamy replies "I do not think these books were among the books I looked through at the time of the valuation of the records". Truth comes out at last and the tragical conclusion is warranted that Dr. M.A.Sampathkumaran got them manufactured after the 2nd June, and palmed them off on the University as genuine records written from 1938-41. This is his third attempt at deceiving the Vice-Chancellor.

Mr. Rangaswamy testifies that these are false records.

2. PREPARATION AND SCRUTINY OF EXAMINATION PAPERS BY THE BOARD OF EXAMINERS AND DESPATCH TO THE REGISTRAR.

Vice-Chancellor's presumptions in favour of the Professor erroneous.

The Vice-Chancellor has not scrutinised the answers of the Professor and has not tested their correctness. He started by

by presuming them as correct. But when one has reason to believe that the Professor is not trustworthy, it is unsafe to start with any presumptions in his favour. Statements made by such a person could have been verified before accepting them as genuine. From this point of view the enquiry has been incomplete. It is difficult to understand how the Vice-Chancellow feels it hard to believe the voluntary leakage of questions by the Professor even though he came to know the facts that Dr. Sampathkumaran saw all the final papers for the examination because they were discussed at the meeting of the Board of Examiners where he was the Chairman. Further, if the Professor could help his son to get an unfair advantage over other by giving him marks in Class Records and also allow him to escape liability for misconduct, it is but reasonable to expect that the Professor would have revealed the questions to his son. With due respect, to the opinion of the Vice-Chancellor it cannot be accepted, when he undervalues the significance of the observations made by the referee namely, "the answers of the candidate No.163 appear to vary so widely in regard to quality and standard that I should draw special attention". This statement of the referee confirms the suspicion that Dr. M.A.Sampathkumaran should have prepared his son with answers for half the number of questions appearing in each paper of the examination, which resulted in symmetrical answering of high and low standards and symmetrical valuation by Dr. Raghavan and the father.

Presumption against the Professor.

Leaking out of questions.

The opinion of the other members of the staff is that this boy was quite average and that he was not even industrious. Mr. K.N.Seshagiriah further says that he was surprised when this boy got a First class. Professor Sampathkumaran himself, on the estimate of his son's general capacity, says, that he was surprised when his son got the highest marks on the second day of the practical examination. The above is sufficient proof of the fact that this boy should have received help from his father improperly

Average ability of Reg. No.163.

improperly in the examination. It is further revealed from the evidence that the nephew of Professor Sampathkumaran by name M.A.Sampathkumaran and Mr. Alwar son of Professor Sampathkumaran, were conducting themselves in a manner to leave the impression that they were irresponsible because they were related to t h e Professor.

3. VALUATION OF ANSWER BOOKS.

It is clear from the evidence that the Professor had seen the marks given by the foreign examiners before he sent his own list to the Registrar. The statement of Dr. Sampathkumaran that he asked his colleagues not to show him their ~~mkx~~ marks lists till he had finished his valuation is untrue according to his own statement. That the foreign examiners also knew that candidate No.163 was Professor's son is borne out by the enquiry.

Professor had seen the marks lists of foreign examiners before he sent his own.

4. THE CONDUCT OF THE PROFESSOR.

Dr. M.A.Sampathkumaran stated that the adverse statement mentioned in the enquiry had been obtained by the Vice-Chancellor by third degree methods and that evidence had been manufactured to support the resolution of the University Council dated the 26th April 1941. Messrs. K.N.Seshagiriah and K.Rangaswamy and S.K. Narasimhamurthy were instructed by the Professor what to say before the Vice-Chancellor. One of them (S.K.Narasimha Murthy) had prepared a list of questions and answers which was approved by the Professor. It may be further noted that Messrs. K.N.Seshagiriah and K.Rangaswamy who submitted written answers regarding the class records through the Professor gave entirely different version before the oral enquiry by the Vice-Chancellor. It may be further noted that Professor Sampathkumaran sent Mr. K.N.Seshagiriah to the houses of Messrs. K.Rangaswamy and S.K. Narasimha Murthy asking them to write out what they had to say before the Vice-Chancellor on the 28th July 1941. Mr. K.N.Seshagiriah further states that the Professor dictated to him the probable questions and answers. This discloses the improper preparation by the Professor and his approval therefor.

Professor's attitude towards every other that speaks the truth.

Accusation of the Vice-Chancellor.

Professor's manufacture of false evidence.

5. HIS CONDUCT TOWARDS HIS SUBORDINATES DURING AND AFTER ENQUIRY.

The conduct of Mr. S.B.Kausik before the Vice-Chancellor justifies the accusation that he is out to help his Professor. In spite of the warnings by the Vice-Chancellor this witness did not admit many facts, which went against the Professor, but which however have been otherwise established. The conduct of the Professor towards Dr. K.V.Srinath and Mr. S.K.Narasimha Murthy in having asked both of them not to handle the classes in the Central College after the enquiry, while they were actually doing so before suggests the biassed mind of the Professor. Dr. Sampathkumaran has testified to the integrity of his subordinates when it suited him. Later when he finds that they have answered contrary to his expectation he turned round and accused Mr. S.N.Narasimhamurthy as a liar, a rascal and a rogue etc. About Mr. K.N. Seshagiriah and Mr. K.Rangaswamy he says that they are unrealiable. His references to Mr. S.K.Narasimha Murthy are very vehement because Mr. Narasimha Murthy, who under duress, sided the Professor during the enquiry on the 28th July 1041, later spoke the truth, and thus exposed all the irregularities.

Professor's accusation of subordinates.

EVIDENCE WITH REGARD TO MR. S.K.NARASIMHA MURTHY.

The attitude of a section of the University Council and particularly of Dr. B.K.Narayana Rao and Dr. B.Sanjiva RRaotowards Mr. S.K.Narasimha Murthy at its meeting on the 27th September 1941 reveals that it has been a sin to have spoken plain truth.

Attitude of Drs. B.K.Narayana Rao and B.Sanjiva Rao

It is clear that until 9-8-1941 when Mr. S.K.Narasimhamurthy made his confession statement before the Vice-Chancellor, (the efforts of the Vice-Chancellor to get at the truth) during the enquiry he had conducted so far, had been almost futile. On 2-8-1941, the Vice-Chancellor had prepared a final report for discussion at the meeting on 9-8-1941 and had got it circulated among members, wherein it is clear, that beyond some possible suspicions, details regarding the irregularities had not been established during the enquiry. It is also clear that but for the statement of Mr. Narasimhamurthy the truth would never have been the light of day. This fact is admitted by the University Council. (Vide V.C.Report dated 2nd August 1041).

Vice-Chancellor's failure to get at the truth until the confession of Mr. S.K.Narasimha Murthy.

Coming to Mr. S.K.Narasimha Murthy himself, it is found that he is spoken of by Mr. M.Sesha Iyengar as being a reliable man and that Mr. M.Sesha Iyengar had never the occasion during the past eight years, to suspect about his reliability. Dr. Sampathkumaran, during his evidence before the Vice-Chancellor admitted that till that date he had no occasion to think that he (Mr. S.K.Narasimha Murthy) was not reliable and that he had no occasion to feel that he (Mr. S.K.Narasimha Murthy) could tell a lie. Dr. Sampathkumaran, on the same day further stated that he had no cause to doubt the honesty or truthfulness of Mr. S.K. Narasimha Murthy. Dr. Sampathkumaran took Mr. S.K.Narasimha Murthy to assist him in the examination because he was reliable and he decided to take him on his own responsibility -- because he had confidence in him. Dr. Sampathkumaran in fact could not give any motive for Mr. S.K.Narasimha Murthy to make the statement on 9th August 1941. Dr. Sampathkumaran at one stage stressed that Mr. S.K.Narasimha Murthy must have lost his mental balance or must have been frightened by some body. Dr. Sampathkumaran was definite that from his experience of Mr. S.K.Narasimha Murthy he could not believe that Mr. S.K.Narasimha Murthy was capable of making a false statement, as one made on 9th August 1941.

S.K.Narasimha Murthy's general reputation.

Dr. Sampathkumaran's grievance appears to be that some interested members have "hatched a plan to have mud slung against himself, and the department". The Professor says of the statement of Mr. S.K.Narasimha Murthy made on the 9th August 1941, and those of several others who have spoken regarding irregularities, -- "all these evidences are manufactured for the support of a proposition that was passed without sufficient enquiry by the University Council on the 26th April 1941". But when questioned as to who has manufactured he (Professor Sampathkumaran) says at first that he does not know, and later, corrected himself by saying that he could not say.

Professor's false accusations against S.K.Narasimh Murthy.

Anyhow, Dr. Sampathkumaran has contented himself by making the suggestion stated above but has not produced any iota of evidence in support of it.

That the statement by Mr. S.K.Narasimha Murthy is voluntary and was made before the Vice-Chancellor to unburden himself by making the confession, which was decided over night on the previous day, is corroborated by Dr. Srinath and by Mr. Seshagiriah is beyond any suspicion. The further conduct of Mr. Narasimha Murthy, in going to Messrs. Seshagiriah and Rangaswamy, and later thereforem to Mr. Kausik and Dr. Srinath and lastly to the Professor's house, and the fact that he took food at Mr. Kausik's house are proof of the fact that Mr. S.K.Narasimha Murthy felt himself relieved by making the confession.

S.K.Narasimha Murthy's statement voluntary.

Coming to the statement itself, it is clear that almost every allegation therein is found to be fully corroborated by evidence of witnesses. Mr. Jayarama Reddy completely corroborates him in all major details including some M.Sc. students asking about the names of the specimens given in the examination hall, and other details. He also corroborates regarding Mr. M.A.Sampathkumaran's assistance to Mr. Alwar, etc. Although Mr. Vyasaraja Rao has not been so open and pointed, still it is clear that he corroborates Mr. S.K.Narasimha Murthy in details. All students received help in the examination hall from Mr. Narasimha Murthy finds support from the evidence of Mr. Kausik.

S.K.Narasimha Murthy's confession true in all particulars.

The fact that such things were happening in previous years is clearly revealed from the fact that Mr. M.A.Sampathkumaran used to say that in previous years these were being done. (Vide Mr. Jayarama Reddy's evidence). That slips of papers passed through the examination hall is also clear from Kausik's evidence and Mr. C.Jayarama Reddy's evidence.

In assessing the evidence of some witnesses namely, Mr. Kausik and Mr. Basheer Ahmed Khan, Mr. Khaleel Ahmed and Mr. Vyasaraja Rao one can see that a perusal of the evidence of these witnesses makes it clear that they have he leanings towards the Professor and his son. They do not want to admit even admitted facts and are not anxious to come out with truth

Evidence of Kausik, Basheer Ahmed, Khaleel Ahmed and Vyasaraja Rao show bias towards the Professor.

truth and that they have some object in suppressing the facts, either it is the fear that they will be incriminating themselves or that they do not want to suggest any evidence against the Professor and his son. In the case of Mr. Kausik he had to be warned a number of times by the Vice-Chancellor to get at the truth.

It is but natural that the students who were examinees, cannot be expected to speak to the irregularities that occurred in the examination. They have their personal interest to guard. They have the feeling that their Professor and members of the staff, are there, to protect them from any punishment by the University. The statement by Dr. Sampathkumaran "We have rounded off this time and everything will be alright" is significant and is to be borne in mind (Vide Dr. Sriniath's evidence). The admission by Mr. Kausik that he was believed by members of the staff to be having the Professor's good will for a number of years preceding: that he was assisting in previous years in the examination hall, and the conduct of Mr. Kausik and the nature of the relationship between the Professor and Mr. Kausik as revealed by the enquiry, all tend to justify the inference that practically the irregularities and malpractices in the examination hall could have been happening in previous years also.

It is clear from the evidence that Dr. Sampathkumaran wanted his subordinates to get themselves prepared for their examination before the Vice-Chancellor and that he wanted them to answer in a particular manner (Vide Mr. Seshagiriah's evidence).

Mr. M.Sesha Iyengar is definite that Mr. S.K.Narasimha Murthy was quite normal and was not excited on days immediately prior to the 9th August 1941.

The allegation by Dr. M.A.Sampathkumaran that the Vice-Chancellor threatened the witnesses and got evidence from them is unfounded and reckless and has to be severely condemned. That Dr. M.A.Sampathkumaran is concealing the facts is clear. He does not want to admit that his son had received a cut in the

Professor Sampathkumaran's allegations unfounded. Gives false evidence.

in the finger which is otherwise established by all. His wavering answers, his evasive replies, his reckless suggestions are to be construed only against his guilt. It is quite clear from other evidence and from the conduct of the Professor that the statement of Mr. Kausik before the Professor which was communicated to the Vice-Chancellor is not a bonafide one.

The grievance of Mr. Khaleel Ahmed and Mr. Alwar against Mr. S.K.Narasimha Murthy looks very artificial. That Mr. Kausik is aloof from the members of the staff for over three years is false. That he was with Mr. S.K.Narasimha Murthy on the first day of examination is otherwise amply proved.

No motives proved for Mr. S.K.Narasimha Murthy's confession.

There is therefore no hesitation in coming to the conclusion that what Mr. S.K.Narasimha Murthy has stated in his statement on the 9th August 1941 before the Vice-Chancellor is truth. The Council has also proceeded with the discussion on this assumption. The allegations made by the Professor cannot be believed and are unwarranted.

S.K.Narasimha Murthy's 'confession' not baissed by motives.

The attitude of the Professor during the enquiry, the part played by the Professor for the happening of the irregularities and his subsequent conduct to defend himself rather than to rectify, his attempts to screen his son, his conduct in trying to fabricate false evidence and supress the truth, his uncharitable conduct towards his subordinates who otherwise spoke the truth before the Vice-Chancellor, are reprehensible and ought not to be the qualities for the Senior Professor of a University and the Chairman of Board of Examiners.

~~Exemplary attitude of S.K.Narasimha Murthy.~~

The enquiry reveals that Mr. S.K.Narasimha Murthy is honest, straight-forward and reliable and was a victim under unfortunate circumstances. The mistake committed was very casual and not habitual and that was why it could be a burden to him. He therefore decided to unburden himself and gave his statement on the 9th August 1941 which was the eyeopener to the University. Mr. S.K.Narasimha Murthy himself pointed out the mistake committed by him. No body had accused him. No body suspected him. These facts have to be borne in mind while considering his case

Exemplary attitude of Mr. S.K.Narasimha Murthy.

in the finger which is otherwise established by all. He evasive-ing answers, his evasive replies, his reckless suggestions are to be construed only against his guilt. It is quite clear from other evidence and from the conduct of the Professor that the statement of Mr. Ismail before the Professor which was communicated to the Vice-Chancellor is not a bonafide one.

No motives proved for Mr. S.H.Haramaina Murthy's complaint.

The grievance of Mr. Khalfool Ahmed and Mr. Alwar against Mr. S.H.Haramaina Murthy looks very artificial. That Mr. Ismail is aloof from the members of the staff for over three years is false. That he was with Mr. S.H.Haramaina Murthy on the first day of examination is otherwise amply proved.

S.H.Haramaina Murthy's defence not believed by Vice-Chancellor.

There is therefore no hesitation in coming to the conclusion that what Mr. S.H.Haramaina Murthy has stated in his statement on the 9th August 1961 before the Vice-Chancellor is truth. The Council has also proceeded with the discussion on this assumption. The allegations made by the Professor cannot be believed and are unwarranted.

Incompetent and evasive attitude of S.H.Haramaina Murthy.

The attitude of the Professor during the enquiry, the part played by the Professor for the happening of the irregularities and his subsequent conduct to defend himself rather than to rectify, his attempts to screen his son, his conduct in trying to fabricate false evidence and suppress such truth, his unbecoming conduct towards his subordinates who otherwise spoke the truth before the Vice-Chancellor, are reprehensible and ought not to be the qualities for the Senior Professor of a University and the Chairman of Board of Examiners.

Character attitude of Mr. S.H. Haramaina Murthy.

The enquiry reveals that Mr. S.H.Haramaina Murthy is honest, straight-forward and reliable and was a victim under unfortunate circumstances. The mistake committed was very casual and not habitual and that was why it could be a burden to him. He therefore decided to unburden himself and gave his statement on the 9th August 1961 which was the opposer to the University. Mr. S.H.Haramaina Murthy himself pointed out the mistake committed by him. No body had accused him. No body suspected him. These facts have to be borne in mind while considering his case

case for action. But for his statement he would not have been in trouble and the victim as he has been now. Nobody in the whole enquiry has acknowledged his own fault. Mr. S.K.Narasimhamurthy alone has done it, even when not accused.

It is to be again pointed out that the defects and the irregularities now revealed, would never have come to light but for Mr. S.K.Narasimha Murthy's statement. He has helped the University in finding out the faults and has ~~given~~ created scope to the University to purge them out so that they may not recur. The University should be thankful to him and the minimum gratitude that the University could do him is to pardon him for his confession where his fault is obviously very trivial considering the nature of the irregularities and malpractices that were ~~in vogue~~ practised now and said to have been in vogue earlier.

S.K.Narasimha Murthy to be pardoned.

case for action. But for his statement he would not have been in trouble and the victim as he has been now. Nobody in the whole country has commendedgd his own fault. Dr. B.L.Moro-ziemsurthy alone had done it, even when not asked.

It is to be again pointed out that the Groots and the Ir-regularities now revealed, would never have come to light but for Dr. B.L.Moroziemsurthy's statement. He has helped the University in finding the faults and has opened the University to purge them out so that they may not recur. The University should be thankful to him and the minimum gratitude that the University could do him is to pardon him for his con-fession where his fault is obviously very trivial considering the nature of the irregularities and malpractices that were in vogue. [illegible]

B.L.Moroziemsurthy
to be [illegible]

APPENDIX B. -- THE DISSENTING MINUTE OF DR. B.K.NARAYANA RAO.

The dissenting minute of Dr. B.K.Narayana Rao is characterised by universal condemnation of the members of the University Council, of the Vice-Chancellor, of Mr. S.K.Narasimha Murthy and the subordinate staff of the University; while it tries to exhonerate the real wrong-doers; it distorts the available evidence by misconception of the University traditions and by misrepresentation of facts. In the historical account given above, the mind of the Rajasevasaktha, in relation to the above enquiry, has been traced from 26th April 1941 up to date to show how he has "passions and prejudices" in favour of the Professor.

A condemnatory document of (1) Members of the University Council (2) of the Vice-Chancellor and (3) of the staff of the University.

I now proceed to answer the Rajasevasaktha's allegations both against me and others, in the light of what I know, first, by quoting the relevant passages from him, and later answering them categorically:-

Relevant passages quoted and answers

(1) "To show how the consideration of the question was not dispassionate; I may cite just two incidents -- (i) the proposal seriously made to dismiss and prosecute the Professor; (ii) to cancel the University Degree awarded to an expost graduate (Mr.M.A.Sampathkumaran)".

I made the proposal to prosecute the Professor for manufacturing "false evidence" and "misappropriating money" among several other charges above enumerated as such a prosecution is necessary according to Standing Order No.212 which rule was relied upon by Dr. M.A.Sampathkumaran himself. I was therefore not proposing anything unusual or prejudicial. And, Mr. Mahadevayya proposed the dismissal of the Professor, owing to the very grave charges made against him, of which there is no parallel in the University. As to Dr. Narayana Rao's assertion that the Council concluded that "nothing definitely very serious had been proved against the Professor , is misleading and incorrect. I also proposed that the degree conferred on Mr. M.A.Sampathkumaran be cancelled as he had not justified the exhortation made to him by the University

Defence of proposal to dismiss the Professor and to prosecute him.

Mr. M.A.Sampathkumaran's (expost) degree to be cancelled justified.

university of keeping an upright character as contrary thereto he had rendered illicit help to Candidate Register No.163; "defaulcations, thefts, arson and perjury" do not constitute the field of investigation by the Universities; it is only the mal-practices in the examination that is cognisable by the University Authorities according to statute 17 (25) of the University Act. Mr. M.A.Sampathkumaran has abetted the worst mal-practice possible, by transferring slides, by cutting sections etc., and therefore was not worthy of the M.Sc. Degree, that was conferred on him. In fact, the abetted person, Register No.163 himself, was losing his First class B.Sc. Hons. Degree and getting two years' rustication. Therefore, my proposal was in accordance with the Mysore University Regulation of 1933, Statute 73. The University had dismissed in the past, students stealing bicycles and sarees, and has rusticated students for such trivial offences as having scraps of paper on their person or of attempting to copy from such scraps of paper.

Proposal to cancel the degree according to Statute 73, University Regulation 1933.

(2) "It was on the whole good action, if any against him (Professor) thus leaving the whole matter to the detached and dispassionate scrutiny and judgment of Government whose decisions would naturally be considered as unprejudiced and just".

Innuendo that the University Council is prejudicial and unjust.

While I am not anxious to deny the compliments paid to the Government, I cannot miss the innuendo implied against the University Council. It is a tragedy that the Rajasevasaktha cannot trust himself or the Council of which he is also a member. No one who has seen him in the Council meetings, from the 28th of April onwards, could fail to notice how passionate, and partial his outlook in this matter is, and how he has successfully endeavoured in delaying justice being done and side-tracking the issues.

(3) "This decision (to hold a re-examination) is chiefly based on the very belated, uncorroborated, sensational 'confession' of Mr. Narasimha Murthy, an admittedly wrong-doer and according to many reports, an unbalanced neurotic".

Mr.S.K.Narasimha Murthy accused a 'Neurotic'.

This surprising statement against an individual, admittedly no acquaintance of the Rajasevasaktha, at once reveals his strong bias for and identity with the Professor, the real wrong-doer.

The Rajasevashakta tries to throw mud on the one man that was esponsible for exposing this crime, and seeks to punish the very instrument of justice. No one has even suggested that Mr. S.K.Narasimha Murthy is a neurotic; — the Vice-Chancellor, who conducted the enquiry does not; Mr. M.Sesha Iyengar under whom Mr. S.K.Narasimha Murthy has worked for years does not; and no body else holds this opinion from the evidence placed before us.

Evidence shows that Mr. S.K. Narasimha Murthy is not a Neurotic.

The Rajasevasaktha betrays himself when he says later "Even if there be some truth in this" (Narasimha Murthy having rendered help to the students at the practical examination) ("I do not think there is)". Then, why punish Narasimha Murthy at all because his confession relates solely and exclusively to his having rendered help t o students? Strangely enough it is the Rajasevasaktha that proposed that Mr. Narasimha Murthy to be dismissed from service in the first instance and that he be sent to the Mental Hospital and later vehemently proposed the reduction of his salary from Rs.150/- to Rs.75/- and finally compromised to a reduction of his salary to Rs.125/-, which means a reduction of five years' increments and sliding down in the seniority scale by 70 to 80 places! Why did he propose this punishment, if he did not believe that Mr. S.K.Narasimha Murthy rendered any illicit help to students? The Rajasevasaktha is evidently anxious to cripple the hand of truth and justice in this University, so that no one else shall dare hereafter to expose curruptions.

Proposal of extraordinary punishment for a trivial wrong.

I have made in Appendix A a detailed examination of the evidence exhonerating Mr. S.K.Narasimha Murthy. We have also the very considered judicial proposal of Mr. P.Mahadevayya to treat him as an 'approver' with which I entirely agree, and which, it is understood is a promise that was held out by the Vice-Chancellor when he wanted to get at the truth, on the 9th August 1941. In the whirl-pool of laxity of examination morale, set up by the Professor, viz., in the valuation of class records, suppressing marks lists, leaking out questions, encouraging illicit and adventitious help etc., Mr. Narasimha Murthy's throwing 'a hint or two' by saying 'may be' or 'may not be' is almost an insignificant and negligible lapse, which may be pardoned.

Negligible mistake of Mr. S.K. Narasimha Murthy.

(4) "The decisions (with regard to candidate No.163) are harsh and cruel and considering the <u>procedure</u> adopted and the <u>evidence</u> available, also unjustified".

Accusations of wrong procedure.

This observation about procedure is not very complimentary to the Vice-Chancellor, as the Rajasevasaktha was an enthusiastic supporter in the University Council of 23rd and 27th of September 1941, when Mr. Mahadevayya was charging the Vice-Chancellor, categorically and convincingly, about this very irregular procedure. Evidently, the Rajasevasaktha is playing the double role namely, friend of the Vice-Chancellor against Mr. Mahadevaiyya and opposer of the Vice-Chancellor as regards Dr. M.A.Sampathkumaran and his son.

Double Role of the Rajasevasaktha.

(5) "He (the candidate) was not accused of any-thing, not even the kindness of a mere reply was extended".

Accusation of not sending areply.

The Registrar, I believe, could convince the Rajasevasaktha by statistics collected in the University that in spite of the latter's 15 years' experience in the University Council, there is not one case where the University has written to the candidate and obtained his explanation before punishing him. In my short period of two years in the Council I have known a dozen cases of mal-practices where no such explanation has been called for. Recently, a girl was supposed to have looked at her neighbour's answer books and was supposed to have modified her answer. She lost her Second class B.Sc. Degree and was rusticated for two years. Had the Rajasevasaktha taken this liberal view, all these 15 years, that he now takes in the case of his friends -- the Professor and his son, -- malpractices should have become more a virtue than a crime in the University!

No such procedure adopted by the University.

(6) "There had been numerous cases of boys of similar and even worse previous records scoring 1st class".

Wrong Statistics.

I can challenge any one that there is not another such case on record in the Honours examination of this University.

No such an other case in the University.

(7) "Send for the candidate and obtain his explanation regarding suspicions. Therefore, it is reasonable to assume that nothing very serious was suspected".

Again an unusual procedure suggested.

No such procedure is ever followed in the University. The Vice-Chancellor, the highest authority in the University, who has decades of experience of examinations and of examiners, made a clear and convincing statement to the University Council on the 26th April 1941, how the number of papers and the manner of their valuation by Dr. M.A. Sampathkumaran gave very good reasons for suspecting malpractice; and

No such procedure followed by the University.

and the University Council of experts, Principals and Professors, who had reason to know every thing about the examinations, immediately, then and there, unanimously concurred with the Vice-Chancellor in his findings.

(8) " Without any hesitation or attempt to see if incidents similar to the 3 above mentioned were unique for this year".

Accusation of hasty decision.

The Vice-Chancellor who was making the statements on the 26th April 1941 and the Council of experts, Principals and Professors, who are listening to him, were convinced from their years of varied experience that no such case had occurred before in the University; and that the only method of testing their suspicions was to hold a re-examination for Candidate Reg. No.163. There was no other method suitable in the peculiar circumstances of the case. But it is the Rajasevaktha that deprived the Council of this -- the only test -- by his dilatory tactics in the University Council, as he was certain that a re-examination would expose the Professor and his son in their true colours.

Decision arrived at the initiative of the Vice-Chancellor and on usual evidence.

Concurrence of experts -- Principals Professors with the Vice-Chancellor.

(9) "The candidate was considered guilty of illicit previous knowledge of questions".

Accusation of wrong conclusion about the suspicion entertained.

This conclusion was inevitable from the fact of symmetrical answering in all the six papers, and of a symmetrical valuation by his father. The phenomenon may be referred to a group of dispassionate experts outside the University and their opinion taken as to the fallibility of the above inevitable conclusion. The Rajasevaktha himself, when asked among others, (in the Council meeting dated the 27th September 1941) to quote if he had come across such another case in his experience as an examiner, refrained to answer. All that the University was endeavouring by re-examination was to test its suspicions as the case of Reg. No.163 was a unique and unprecedented one. Re-examination was not meant as a punishment to the student; a real First class student would certainly dare to be re-examined a dozen times to vindicate his first class, when his integrity is questioned. Neither would the father of such a first class candidate endeavour to prevaricate and supplicate for a surreptitious first-class. The University was giving the fairest chance to the Candidate Rg.163 to vindicate his first-class when the public was questioning it, and incidentally to the Professor also to clear himself of the allegations

Symmetrical answering and symmetrical valuation betrays leaking of questions.

University deserving to vindicate the class of Reg. 163 and not ruining him.

allegations appearing against him.

(10) "Is it really surprising that the University Council should be suspected of prejudice against the candidate for no fault of his"?

Accusation of the University Council with prejudice.

"If the father ..... expressed(rightly or wrongly) apprehensions about the unbiassed nature of the enquiry to be held by some or all members of the University Council, is it a matter for astonishment and for accusations of insubordination?".

Justification of Professor's insubordination.

In these two sentences the Rajasevasaktha entirely throws off his veil, if ever there was one, and the 'secret agreement' that was suspected and expounded by Mr. P.Mahadevayya as existing between the Vice-Chancellor and the Professor, is now shown a clear link through Dr. B.K.Narayana Rao. For, are not these accusations identical with those made against the University Council, by the Vice-Chancellor, in hisletter dated the 4th July 1941, and in the Professor's letter dated the 25th July 1941?

Rajasevasaktha's accusation similar to that of the Vice-Chancellor & the Professor.

The Rajasevasaktha entirely lost his balance of mind! It is no wonder, that, between the Vice-Chancellor and Dr. B.K.Narayana Rao, the autonomous powers of the University Council were ~~xxxx~~ surrendered, and three of its best men insulted and dropped from the body of advisers, on the flaunting and irresponsible representation of a reckless subordinate, the Professor.

(11) "Several of the subordinate staff of the University interested themselves one way or another" -- to the detriment of truth and discipline .

Accusation of the staff of the University.

There cannot be a more irresponsible statement from a member of the University Council, who is entrusted with the executive Government of the University and its staff. To save the Professor and his son, the Rajasevasaktha does not hesitate to accuse the highest God in Heaven or the fairest man on Earth! There is not an iotaof evidence, to warrant this conclusion. The great Doctor of Ophthalmology should see humanity better and judge them fair.

Allegations ~~weak-clear~~ weak and unpardonable.

(12) "Hastily resolved to overlook his claims to act as Principal for a short period".

Accusation of hasty decision of Principalship.

This resolution was arrived at by the testimony of Mr. E.G.McAlpine who was the only authority in the Council, competent to judge the Professors of the Central College, for he had long been the Principal there. He was an indefatigale judge of men, and a ruthless fighter for truth. His testimony in the Council was therefore the only authentic and relevant testimony. His opinion required no corroboration from one anyone else, and the least from Dr. B.K.Narayana Rao.

McAlpine, the only authority in the University Council competent to judge Professors of the Central College.

(13) "I cannot remember a single instance where on mere vague suspicion a candidate was condemned".

Accusation of condemnation by suspicion.

There are scores of cases of condemnation, a list of which the Registrar can prepare, where a hundredth part of the thought and machinery of enquiry bestowed on this candidate Reg. No.163, have not been bestowed in unravelling their pardonable petty crimes of peeping at a neighbour, of having a piece of paper in the pocket, or of copying from a scrap of paper.

Machinery of investigation special privilege of candidate Reg. No. 163, unprecedented in the University.

(14)" I do not wish to say anything about the manner, sufficiency, and the results of the subsequent enquiry".

Total condemnation of the enquiry.

This is not quite complimentary to the Vice-Chancellor. The sentence deserves to be placed as the conclusion of Mr. Mahadevayya's letter of protest to the Vice-Chancellor, dated the 11th September 1941, for it is the best testimony to Mr. Mahadevayya from his worst opponent, the Rajasevasaktha.

Curiously enough justifies Mahadevaiyya's contentions.

(15) "The case against the Candidate as 'not proven' beyond doubt".

Erroneous judgment.

If after listening to the independent testimony of Messrs. Seshagiriah, Rangaswamy, Jayarama Reddy and Vyasaraja Rao, about the candidate Reg. No.163, palming off others' library records as his own, of later submitting false, records, as genuine, of getting illicit help in identification of plants, slides, etc., the Rajasevasaktha should deliver this judgment, it could be rightly seen by the Government how embarassing should have been the presence of Dr. B.K.Narayana Rao in the University Council, in its lawful duty of putting down malpractices in the University and making it safe for every boy and girl that enters its protals for getting both character and learning !

Judgement extraordinary & thoroughly baissed.

Dr. B.K.Narayana Rao responsible for thwarting ends of justice.

P.V.Deekshitulu

APPENDIX C.

(1)

N.Balakrishnaiyya, B.A., LL.B.,
Advocate.

Bangalore city,
14th July 1941.

To

The Vice-Chancellor,
University of Mysore, Mysore.

Dear Sir,

Ref:- Your D.O. No. P.16-28 dated 4th July 1941
Botany Honours Examination 1941.

With reference to the D.O. under reference, I really appreciate the difficulties encounted by you in the matter of investigation; but your proposal to place the matter before a Judicial Tribunal is not merely unprecedented and dangerous, but directly undermines the powers of the University. It is rather difficult to think that the University Council, consisting of a retired Chief Justice of the Mysore High Court and the Advocate-General of Mysore, could not be thought of dispassionately judging the acts of their own Officers; and for that reason surrender their powers to another body not warranted to judge under the Constitution or the Regulations of its incorporation. The University Council is dealing every-day with their own Officers and it can easily be said that they carry certain prejudices in every case -- if such a prejudice is the result of their prior knowledge and experience of matters coming up for decision, which many of the Councillors do inevitably possess. If such prejudice does exist at all, which should manifest itself in the report, then, there will be time enough for the person aggrieved to regularly allege such prejudice and convince the appellate authority, as the person has the right of appeal to Government under the Regulations. It is then open to the Government to constitute an independant tribunal, if they think that the circumstances of the case do warrant such a course.

In these circumstances, I am definitely opposed to the proposal of prejudging the attitude of the University Council and in consequence surrendering their powers to a body not contemplated in the University Act. It may incidentally be stated that such a course is bound to attract the public attention in a higher degree; and unless the case is sufficiently strong on legal evidence which is far more rigorous than the proof necessary for departmental action, the result may land the University in ridicule. I believe that you or any one else cannot

cannot condemn ab-initio the attitude of the University Council.

I therefore reiterate my proposal of Constituting a Committee (a proposition in this respect has already been forwarded to the Registrar) which may serve both to retain the powers of the University and also to keep away the public gaze; the Committee's report may be submitted to the Government -- which always give a right of appeal to the person aggrieved.

I am, etc., Yours sincerely,

Sd/ N.Balakrishnaiyya.

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(2)

N.Balakrishnaiyya, B.A., LL.B.,
Advocate.

Bangalore city,
Dated 30th July 1941.

To

The Vice-Chancellor,
University of Mysore, Mysore.

Dear Sir,

I am in receipt of your letter dated the 26th instant, regarding the enquiry into the conduct of the Botany Honours Examination of 1941. The two points raised in your letter are:- (1) The stand taken by Dr. M.A.Sampathkumaran that the Vice-Chancellor is the Executive Head of the University and that therefore, the University Council or a committee thereof is not entitled to examine him, and further that special orders are necessary from the Government before he could submit himself to such an enquiry; and (2) that you have referred the matter to the Government; and that the Council may either decide the matter on your preliminary report or that they may pursue the enquiry according to the instructions that may be laid down by the Government.

I wish to contend on point,

(1) that the University Council has the right to dismiss from service Dr. M.A.Sampathkumaran for insubordination, and on (2) that the Vice-Chancellor has no right, at the present stage, to refer the matter to the Government or await their orders as to the manner or nature of enquiry to be instituted.

The persons are for point

No.1 Section 14 (1) (page 12 of Calendar Vol.1 for 39-40) of the University Act defines that the Executive Government of the University, unequivocally, vests in the University Council, which is the supreme exedutive authority, of which the Vice-Chancellor is the Chairman, and the executive hand thereof; he has no executive powers of any kind apart from the University Council; he may however take initiative in specific matters defined in Statute 47 (page 33) or act under emergency under Section 10 Cl.4 (page 10) in which case, he shall immediately refer the matter to the University Council for ratification. The Vice-Chancellor has therefore no independent powers, apart from the University Council, over matters seized with the University Council, which is the supreme executive of the University Corporation; and every officer of the University shall implicitly obey the orders of the Council; for, under Statute 17 Cl.25 (page27) the University Council has the right to appoint, fine, or dismiss etc., their officials or officers, who are defined as Government Servants in Section 26 of the Act (page 17) which is unfortunately termed as Ordinance by Professor Sampathkumaran in his letter to you dated the 24th July 1941; but it is really a Section of the Act; The Government however reserve to themselves, by Rules framed in that behalf from time to time, the powers of appointment, punishment, etc., under Section 14 (1) of the Act (page 12). This right, I have already interpreted in my last letter, is the Right as an Appellate Authority. The Government does not, ordinarily, interfere, as they have always treated the University, in all matters, as an autonomous body and have expressly constituted it as a Corporation. Dr. Sampathkumaran is therefore bound to obey to directions of the University Council; he has no right to refuse submission to the University Council nor has he right to restrict their powers at this stage by directing a prior representation,-- when the matter is not yet mature for such representation -- to Government. In these circumstances, his attitude is nothing short of deliberate disobedience of the orders of the University Council, and the University Council have the right of dismissing him from service for disobedience of their lawful orders, and insubordination a procedure which is usually followed by the Government in other public services.

Point No.2. Statute 46 of the Act (page 33) states expressly, in what matters the Vice-Chancellor may make a reference to the Government: i.e., in matters not provided for by the University Act, in the Statutes or ordinances; and here too he cannot make such reference independent of the UniversityCouncil. but in this case, there is ample provision in the University Regulations.

The enquiry under discussion relates to the malpractice in the conduct of an examination, the procedure regarding which is expressly provided for by Statute 17 Cl.26 (page 27) which is within the perfect cognisance of the University Council. The Council, in fact, have dealt with scores of instances of mal-practices of the type; and many a time, on the sole statement of the Vice-Chancellor about the existence of such mal-practice and within a brief discussion of five minutes, the Council have rusticated many students for a period of one, two or more years. It was extraordinary, however, that in this present case (Botany Honours Examination of 1941), in spite of a statement by the Vice-Chancellor himself in the Council meeting held in April 1941 that he had reasonable suspicion about the case, and in spite of the unanimous decision of the Council to re-examine the candidate, subsequent events have dragged on the matter to an enquiry, which is meant as a preliminary step of fact-finding to establish the mal-practice. The enquiry, therefore, leading to the establishment of mal-practice is within the exclusive rights of the University Council as the mal-practice itself is within their cognisance under Statute 17 Cl.26 (page 27).

The Vice-Chancellor has therefore no right to refer the matter to the Government presumably under Statute 46 (page 53) or under any provisi

I am, yours sincerely,

Sd/ N.Balakrishnaiya.

P.S:- As you have already made a reference to Government, I am sending a copy of this letter to the Government also.

Sd/ N.Balakrishnaiyya.

(5)

Bangalore city, 5th August 1941.

To

The Vice-Chancellor,
University of Mysore,
(Camp) Bangalore.

Dear Sir,

I am in receipt of your D.O. No.117-28 forwarding to me an extract from the General Circulars and Standing orders -- Chapter X, Misconduct and Punishment. At the moment I am not able to lay my hands upon the book to refer to the other provisions of the book about the extent and nature of applicability of the portions you have quoted.

I presume that the extract is sent to me in justification of your reference of the matter (Enquiry into Botany Hons. Examination 1941) and to show that my reply is not quite relevant. Even after reading the sections of the "extract" sent to me, I feel that my interpretation is correct that the University Council is the supreme authority of the and that Government is only an appellate authority in view of the fact that the authority of the Government in the matters of appointment and dismissals is vested in the University Cor-poration by a Statute.

About Section 212 it is no doubt true that the rules apply primarily to officers who could not be removed without the sanction of Government, but in the case of other Government servants the report should be submitted to the authority exercising powers of appointment and dismissal.

Both the cases no doubt apply to Government servants; the first case applies to those that are directly appointed by the Government, and the other to those who are not directly appointed by Government, but by other officers; yet there are still other bodies such as quasi government like Municipal Corporations or autonomous corporations, (Universities) to which the power of appointment and dismissal are conceded by Government, under a Statute, which power they are enabled to exercise under the provisions of their incorporation. In this case is Dr. M.A.Sampathkumaran a servant directly serving the Government or one serving the Corporation? He is a Government servant under Section 28 of the University Act, but he was appointed by, and serving under the University which is entitled as a body corporate to enquire into the misconduct

misconduct and take action, which action should be reported to the Government.

The authority exercising the powers in the case of Dr. Sampathkumaran is the University Council which has the powers of appointment and dismissal under Statute 17 (25) of the University Act, and therefore in conducting the enquiry the rules in Chapter X of the Standing Orders should be followed mutatis mutandis. Has the University followed the spirit of the rules, so far, in conducting the enquiry?

On the 4th, July, the Vice-Chancellor who is the official superior submitted to the University Council a preliminary report in a confidential manner and made a distinct recommendation therein that a committee of the University Council should go into further enquiry as he thought that there were enough grounds for such enquiry, but also proposed for other reasons an alternative procedure which is not warranted by the Act.

TheCommittee was however formed but the Professor refused to submit his explanation and disobeyed and flouted the authority of the University Council. He has further in his letter dated the 25th July 1941 made reckless remarks against every member of the University Council, which damns the University Council and undermines its dignity enormously.

The next step however according to Standing Orders, for the University Council is to decide about the attitude of Dr. M.A.Sampath Kumaran, either to prosecute him, or to deal departmentally and then make a recommendation to Government accordingly.

I am therefore of opinion that the lawful procedure followed by the University Council is warranted by Chapter X of the Standing Orders of the Government and also the precedent followed in the case of Dr. M.M.Krishna for the appointment of the Committee, and then for the University Council deciding and reporting to the Government, — which procedure has since been accepted by the Government.

In these circumstances, the University Council has the right to recommend to Government, either dismissal or any other punishment of Dr. M.A.Sampathkumaran both for insubordination as already pointed out in my letter dated the 2nd August 1941 and for the baseless allegations

and accusations that he levels against every member of the University Council in his letter to the Vice-Chancellor dated the 25th July 1941.

This letter may be read with my letter dated 2nd August 1941.

Yours sincerely,

Sd/ N.Balakrishnaiyya.

A copy of this letter is sent to Government in continuation of my letter dated the 2nd August 1941.

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(4)

N.Balakrishnaiya, B.A., LL.B.,
Advocate.

Bangalore city,
Dated 6th August 1941.

To

The Vice-Chancellor,
University of Mysore, Mysore.

Dear Sir,

I wish to draw your kind attention to the letter by Dr. M.A.Sampathkumaran to you, dated the 25th July 1941, in which the following passages occur:-

(1) "A second examination has been ordered for the candidate in a University Council Resolution dated the 30th April 1941. Other incidents have occurred subsequently casting suspicion on my conduct and character. So, I consider that it would be very unjust to me and prejudicial to my interests to have any member of the University Council to take part in any enquiry".

(2) "No member of the University Council should be member of the Enquiry Committee since every member of the University has expressed strong opinion in the consideration of this case".

(3) "My feelings regarding the presence at the enquiry of others, especially as I consider they have prejudiced my case".

These passages, in my opinion, tally remarkably well with some of your opinions about the University Councillors, expressed in your D.O. No. F.12-28 dated the 4th July 1941, communicated to me. I quote the relevant passage: "Most of us have given expression to our views of a fairly definite character, and there is a resolution of the University Council deciding on a new examination for the candidate, which, in itself is some indication that the University Council were not satisfied with the

the conditions, under which the candidate was examined; Some members of the University made it clear at the meeting on the 31st May that they would not look upon an enquiry by the University Council or its Committee as giving Dr. Sampathkumaran a fair and impartial inquiry".

It is very embarrassing to me, as it must be to the other colleagues of mine, (for Dr. Sampathkumaran does not spare any, though you spare none) that a subordinate of the University, subject to the Supreme Executive Authority of the University Council, should hold and communicate in an official document to the Vice-Chancellor such reckless allegations against the members of the Council, when he has no direct knowledge of the debates of that body. I therefore demand that a written statement may be obtained from him as to the unequivocal grounds on which he bases his opinion on every member of the University Council.

I may also add that such intimate identity between the opinions, on the University Council, of the professor and the Vice-Chancellor is not within the interests of the best Government of the University.

Yours sincerely,

Sd/ N.Balakrishnaiya.

(5)

To

The Vice-Chancellor,
University of Mysore.

12th August 1941.

Dear Sir,

I shall be thankful to you if you will kindly let me know whether you kindly instructed the Professors to allow only presentation of papers at the M.Sc. Degree for those candidates obtaining THIRD class marks in the M.Sc. Qualifying Test.

I hope that my letter dated the 6th August 1941 demanding an explanation from Dr. M.A.Sampathkumaran for his allegations in his letter to me dated the 28th July 1941 has been communicated to him. The reply may kindly be expedited. Thanking you,

Yours sincerely,

Sd/ N.Balakrishnaiyya.

'Copy' N.Balakrishnaiya

APPENDIX D.

STATEMENT OF PARTICULARS RELATING TO THE CANDIDATES RUSTICATED FOR MALPRACTICE.

Sl.No.	Name & class.	Nature of Mal-practice.	Punishment awarded.
1932.			
1.	B.R.Krishniengar, L.M.P.	Taken sarees fund approval from a shop in Bangalore Did not return them. Convicted for 2 months R.I. for Breach of Trust.	Removed from the Rolls of the University and declared ineligible for admission or grant of a migration certificate.
1933.			
2.	P.N.Subramanyam, B.E. Degree	Details not available.	Answer paper of the student cancelled. Debarred for the years 1933-34 and 1934-35.
1934.			
3.	C.R.Krishnasingh, B.A. Hons Prly.	Copying notes taken to the Examination Hall.	Answer paper cancelled. Debarred from University examination and courses for the years 1934-35 and 1935-36.
4.	T.Channiah, B.Sc. Degree	Copying from manuscript taken to the examination.	Answer paper cancelled. Debarred from University examination and courses for the years 1934-35 & 1935-36.
5.	H.Devandranath, B.Sc. Degree	Do	Do Do
6.	T.Giriappa, Junior B.A.	Removal of pages from books borrowed from the College and the University Library.	Rusticated for 1934-35. Cost of books recovered.
1935.			
7.	K.Keshaviengar, Intermediate	Copying from a slip of paper containing notes taken to the Examination Hall.	Answer paper cancelled. Debarred from any examination of courses until 1937.
8.	K.Venkatanarasimhiah, Inter.	Do Do	Do Do
9.	K.S.Kesavamurthi, Intermediate	Di Do	Do Do
10.	D.Ramu, B.Sc. Degree.	Having in possession Mss. notes during the examination in 2nd language. Breach of rules.	Student disqualified in respect of that paper.
1936.			
11.	C.N.Bhima Rao, I.B.Sc. Hons.	Found in possession of a scrap of paper containing matter relevant to the subject.	Rusticated for a year and permitted to appear for the promotion examination of 1937.
12.	Syed Abdur Rahman, I.B.Sc.	Found in possession of a note book relating to the subject of the examination.	Do Do
13.	C.S.Noorullah, Intermediate	Tampering the entry regarding date of birth in the Transfer certificate.	Debarred for a year, 1936-37.
14.	A.Ramaswamy, Intermediate.	Theft. ..	D i s m i s s e d.
1937:-			
15.	V.L.Gurumurthy, Final L.M.P.	Copying from a book in the examination hall.	Debarred from the examination of 1937 and 1 [illegible]

1938.

16. P.Siddappa, B.A. Degree	Furnishing false information in the application for Backward class scholarship.	Rusticated for 1938. Permission granted to appear for the examination of 1939 without further attendance.
17. P.B.Poovamma, Intermediate	Having in possession the text book relating to the examination.	Rusticated for 1938 and 1939 examinations.
18. M.Sadasiviah, Senior Inter.	Attempt to print fee receipts in the form in use in the college.	Rusticated for 1938-39 and 1939- and 1939-40.
19. Clayton Barnabas, Junior Inter.	Furnishing false information in application for scholarship.	Rusticated for 1938-39. Ineligible for University aids on readmission.
20. A.Ramachandrachar, Senior Intermediate.	Theft of a bicycle.	Dismissed.

1939.

21. Abdul Jabbar Bintory Intermediate.	Having in possession a Mss. which was used for answering the Logic paper.	Debarred from the examinations of 1939 & 1940.
22. B.A.Chikanniah, Inter.	Using written answers which he had brought to the examination hall.	Do
23. P.V.Srinivasa Rao B.T. Degree.	Alteration of the year of birth in the transfer certificate issued by the college.	Debarred for the examination of 1939.

1940.

24. S.Lakshmanan, Final year lower grade Mechl. Engrg.	False information in the application for scholarship.	Rusticated for 1939-40.
25. C.Narasimhiengar, Second Exam in Engrg.	Copying from a Mss. taken to the Examination hall.	Rusticated for the year 1940-41.
26. B.R.Viswanath, Intermediate.	Copying from a piece of paper containing notes and disorderly behaviour towards the invigilator.	Rusticated permanently, but on a reconsideration later the punishment was relaxed. Rustication extended only for the examination of 1941.
27. N.C.Ramaraj Urs. Inter.	Performance in the examination in General English was in relation to another candidate in the same paper.	Rusticated for the year 1940-41.

1941.

28. S.M.Siddiah, Sr.B.Sc.	False information regarding the income in the application for University aid.	Rusticated for the year 1940-41.
29. M.R.Sivappa, B.A.Degree	Representation that he may be made to pass in the examination.	Withdrawn from the examination of 1941 and rusticated for 1941-42.
30. M.Kantha, B.Sc. Degree	Malpractice at the Chemistry Practical examination.	Do
31. H.Aswathanarayana, Second Exm. in Engrg.	Exchanging a piece of blotting paper containing answers to questions relating to the examination.	Do

R.Balasingh

C. 1957/Enc. one.

Vasantha Mahal,

Mysore.

6th November 1941.

Acd & forwarded to Gen Secy 7/11/41

My dear Madhava Rau,

With reference to our conversation over the telephone to I am sending you herewith as desired a clean copy of the préci which I have prepared under instructions of His Highness the Maharaja in the matter of the malpractices that took place in c nection with the B.Sc. Honours Examination in Botany in March la

In accordance with your request I repeat herewith some of the observations which I made over the telephone.- (1) The act of the Vice-Chancellor in sending a set of copies of 230 pages c selections of the records direct to this office seems to be unprecedented. (2) Althou His Highness as Chancellor receives what purports to be a comple copy of the proceedings of the University Council and though thi case has apparently been under constant consideration in the Council since March last, the extracts so submitted are the onl proceedings received in which mention is made of the case. (3) seems to be regrettable that the disposal of the case should ha taken seven months, and that at the close of that period the Universi Council should have been unable to arrive at any decision on th principal issue. (4) There seem to be certain indications tha offences in relation to examinations are not regarded very seri /ly, for instance, (a) The Council passes over without remark Mr Rangaswami's admission that he signed the marks list without gl ing at the records concerned; (b) similarly no criticism has be made as regards the conduct of Mr. M.A. Sampathkumaran whom the Council/by found a majority to have actually assisted a student in chea the examiners; (c) one of the proposals made to the Council was that the offence of the student concerned would be sufficiently punished by the cancellation of the results of the Examination in which the offence occurred; and (d) another member of the Co

has proposed that the irregularities that Dr. Sampathkumaran has admittedly committed should be passed over without even a censure.

The précis has been rendered somewhat lengthy by copio quotations, but in the endeavour to be fair to all sides it seemed desirable to state matters as far as possible in the words of the authors.

Yours sincerely,

SNK.

As His Highness the Maharaja has found it very difficult to follow the course of events dealt with in the proceedings of the University Council, an endeavour is made in the following note to deal with them in the order in which they occured. It is proposed to break up the note into three sections, namely, (1) The events of the Examination as alleged, (2) The course of the enquiry, and (3) A rough summary of the evidence.

I. Events of the Examination.-

The Examination was held in March 1941. The Board of Examiners consisted of Dr. M.A. Sampathkumaran, Chairman, and two outside examiners, Mr. T.S. Raghavan and Mr. M.S. Sabhesan. Mr. L.S. Doraswamy and Dr. B.L. Manjunath assisted in the marking of the papers. Mr. K.N. Seshagiriah, Acting Assistant Professor and Mr. K. Rangaswami, Lecturer, were called in to value the class records. Mr. S.K. Narasimhamurthi, Lecturer in Botany, Intermediate College, was appointed by Dr. Sampathkumaran, without authority, to help in the practical Examination.

The Examination consisted of six written papers, marked at 100 marks each, and a Practical Examination, marked at 300 marks. In addition to this, 100 marks were allotted for class records and 100 marks for class examinations. Dr. Sampathkumaran set two and a half papers for the written Examination and marked in five of them. He also took a major part in the practical examination, being a joint examiner on all the three days so that on the whole he was responsible for marking in eight out of nine papers. One or other of the outside examiners valued independently five out of the six written papers valued by Dr. Sampathkumaran, and jointly marked with Dr. Sampathkumaran the three papers of the practical examination. It is significant that in the only paper in the marking of which Dr. Sampathkumaran took no part no candidate got first class marks. Dr. Sampathkumaran also took part in the valuation of class records and

class examinations. The marking of the former was entrusted at the final examination to an Assistant Professor and a Lecturer subordinate to him.

Dr. Sampathkumaran's son, Alwar Iyengar, who was a candidate in the Examination, is described as a student of average capacity and inferior industry, his performances in the Intermediate Examination, the three class examinations in the three years of the Honours course, and the B.Sc. Honours Preliminary Examination showing an average marking of 44%, 50% and 43%, respectively. Dr. Sampathkumaran's nephew, Mr. M.A. Sampathkumaran, who holds the M.Sc. degree in Botany, was present in a room adjoining the room in which the Practical Examination was held.

The allegations of malpractice relate to three branches of the Examination, namely, the written, the practical and the class records. In so far as the written examination goes, it is not clear from the records how it was that suspicion was aroused, but apparently rumours were abroad before the result were announced that Alwar Iyengar had secured a first class. It seems from the evidence that Dr. Sampathkumaran thought that his son "was not "capable of securing such high marks" as he had secured (page 11) and said to Professor Sabhesan and Dr. Manjunath "This boy had "got the first class and naturally people would immediately ascribe "this because it was my son, and as I knew the boy was not of the "first class capacity a few marks might be taken off to place him "in the second class", but they did not agree. The University Council at their meeting of the 26th April 1941, for reasons which do not appear, took such a grave view of the suspicions that were abroad that they directed that Alwar Iyengar be examined again by a fresh Board of Examiners. No action had been taken, however, on this resolution when the Council met again on the 31st May, when allegations of further malpractices were brought to light. This led to a decision to make an enquiry, pending completion of which the resolution of the 26th April was held in abeyance. It is not clear from the records what kind of an enquiry was proposed at

this stage. Apparently as part of it the whole of the papers were then sent to an outside examiner, Mr. Koshy, who found that, where the papers of the other candidates showed a similar grade of knowledge in respect of all the questions they had answered, Alwar Iyengar had given full and elaborate answers, interspersed with references, to two or three questions in each paper and had shown a very inferior grade of knowledge in respect of the others. There is no evidence to show that he was supplied with the questions, but the circumstance was evidently regarded as highly suspicious.

As regards the practical examination, it is alleged that Mr. Narasimhamurthi gave "tips" to Alwar Iyengar and four other candidates, that Alwar Iyengar cut his finger in preparing the slides in such a way as to prevent his proceeding with that part of the work, that Mr. M.A. Sampathkumaran prepared slides and sent them into the Examination room and that he also sent in slips containing answers to questions. Similar slips were also said to have been sent in by a Mr. Basheer Ahmed Khan.

As regards the class records, their examination was done in the first instance by Acting Assistant Professor Mr. K.N. Seshagiriah. It is stated that he called upon Lecturer Mr. K. Rangaswami to assist him, but that Mr Rangaswami declined to do so without formal orders. He did so, however, on receipt of verbal orders from Dr. Sampathkumaran, but made no examination of the records himself and contented himself with signing the marks list prepared by Mr Seshagiriah. It appears from this part of the case that Dr Sampathkumaran had departed from the usual practice in failing to keep any registers of marks which would facilitate the marking at the time of the examination, that in respect of notes on library work, Alwar Iyengar handed in as his own note books of another student which were covered in wrappers on which he had written his own name, and when challenged by Mr Seshagiriah first claimed the books as his own and then when one of the wrapper was opened gave explanations which were not satisfactory and

convincing";(page 15). that Mr. Seshagiriah gave him no marks for this part of the work, that Mr. Rangaswami concurred in Mr Seshagiriah's marking, and that Dr Sampathkumaran protested against their action; that he took the whole list from them, that it has disappeared and that he is unable to account for its disappearance.

It may here be noted that Dr Sampathkumaran and his son tell quite a different story of the matter of the note books. Their theory appears to be that Alwar Iyengar did not believe in keeping notes of library work which only consisted in extracts from text books, that he represented to his father that the proportion of marks given for such work was unduly high, that his father, who as head of the department had taken no action in the matter, told him to represent the matter to his assistant, Mr Seshagiriah, and to show some note books of the other students to Mr Seshagiriah in support of his contention, that he handed in a small number of books of his own and eight or ten of those of one other student, that he made no representation, that his father afterwards made the representation for him to his two subordinates, persuaded them to alter the proportion of marks and revalued the papers with them.

II. The Course of the Enquiry.

To proceed now to the course of the enquiry. This falls into three stages. As has been stated, the first stage arose out of rumours and suspicions that Alwar Iyengar had received marks far above his merits. This culminated in the resolution of the University Council of the 26th April directing that he be examined again. No copy of this resolution has been submitted to His Highness the Chancellor. Nor is there any in the file. No action appears to have been taken till the 31st May. "The question "before the University Council meeting on the 31st May was the "appointment of a Board of Examiners in Botany to examine the "candidate again, as resolved at the meeting of April 26th. "This was opposed by some members on the ground that the step "ipso facto condemned the Chairman, and an enquiry was demanded

"into the conduct of the examination as a whole, whether at any "stage or part of it, illicit help had been received by the candidate "No. 163. It was at this stage that Mr McAlpine informed members "of the story current that the candidate had presented the class "records of another student as his own, and that the zero given "by the valuer had been changed to some marks by the Professor. "It is clear therefore that the proposed enquiry was not into the "malpractice of a candidate, but into the conduct of the Professor."

As regards the happenings of the month of June, we have the following statement by Dr Sampathkumaran:

> "On the 2nd June the Vice-Chancellor asked me to collect "the drawings and library notes from the students and have "them ready. When the Registrar came on the 28th June, the "laboratory records of 4 candidates were made available. He "did not ask for library notes. And therefore I did not "give them. When the Vice-Chancellor asked me for the notes "of all the candidates, I felt awkward to ask the students "and said the Registrar might write to them and get them."

and the following by the Vice-Chancellor: "The note books were "being called for all along the first week of June onwards, as "well as the drawing books. As the candidates were not said to "be in Bangalore, there was some delay, and even after 28th June "the library note books of the candidate No. 163 were not produced "till a renewed warning was given." On the 28th June the Council met and "pressed for speeding up the enquiry".

On the 4th July the Registrar sent the answer papers of all the candidates of the B.Sc. Honours Examination to Mr. Koshy.

On the 10th July the Vice-Chancellor wrote to Dr. Sampathkumaran asking him to obtain statements from his assistants, Messrs. Seshagiriah and Rangaswami.

On the 16th July Dr. Sampathkumaran forwarded the statements of his assistants and promised to send the class records ar the earliest opportunity.

On the 19th July the University Council met again, and at the instance of the Vice-Chancellor, Messrs. McAlpine, Mahadevayya

and Mirle Lakshminaranappa were appointed to assist him in the enquiry. The terms of the resolution passed in the matter were as follows:-

"It was resolved that the Vice-Chancellor himself should "hold the enquiry. The Vice-Chancellor desired the assist-"ance in the enquiry of Messrs. Lakshminaranappa, Mahadevayya and "McAlpine, and these members agreed to assist him."

On this there ensued correspondence between Mr McAlpine and Mr Mahadevayya and the Vice-Chancellor as to whether the members associated with the latter were to form a committee of enquiry or not, and between the Vice-Chancellor and Dr. Sampathkumaran as to the method to be pursued in the enquiry.

On the 23rd July the Vice-Chancellor wrote to Dr Sampathkumara inviting him "to discuss the preliminaries of the enquiry." He says regarding this stage "It must be remembered that until I got some "tangible evidence, apart from rumours, that anything illicit had "happened, I had to treat Dr Sampathkumaran as helping me in the "enquiry into the conduct of the examination, and that is how I con-"ducted the examination till, I came to a point where the treatment "of class records showed that there were prima facie signs of "slackness or irregularity". (But see A above)

On the 24th July the Vice-Chancellor commenced the enquiry. Dr Sampathkumaran refused to give any evidence before any members of the University Council. Alwar Iyengar and Mr M.A. Sampathkumaran refused to testify at all. The Vice-Chancellor proceeded with the enquiry without his colleagues and examined Dr Sampathkumaran, Messrs. Seshagiriah and Rangaswami, Mr Narasimhamurthi, and Mr. G.V.B. Naidu, the student whose note books had been borrowed by Alwar Iyengar. * Shortly before the 9th August the Vice-Chancellor wrote a report.

* At some time during this stage the note books appear to have been produced, but there is nothing to show when or by whom.

On the 9th August the University Council met to consider the Vice-Chancellor's report. Before they met, however, Mr Narasimhamurthi made a statement to the Vice-Chancellor to the effect that he had given "tips" to five out of the six candidates for the practical examinations. The examination of the report was therefore postponed pending enquiry into this fresh development. Meanwhile, there was an acrimonious discussion of the meaning of the resolution of the

19th July, which resulted in a decision that the three members of the Council named in it were appointed as assistants in the enquiry and not as members of a committee of enquiry. The Council also discussed the question whether Dr. Sampathkumaran should not be required to take leave till the enquiry was over, and, while agreeing that it was desirable that he should take leave, were unable to agree as to whether the recommendation should be brought on record. It may here be noted that the recommendation was rejected on the 27th August by the Government on the ground that there were only a few witnesses still to be examined and that the matter should soon be brought to a conclusion.

The next stage of the enquiry took place between the 11th and 29th August, when the Vice-Chancellor examined seventeen witnesses, some of them on two or three occasions. Alwar Iyengar on this occasion asked permission to testify, but maintained his request for written questions to be sent to him. Throughout this enquiry there was present, not any of the colleagues appointed by the University Council, but Mr Mackintosh, who is also a member of it. Apparently Dr Sampathkumaran welcomed his presence, though he had objected to the presence of any member of the University Council.

It is difficult to follow the course of the proceedings from the 29th August to the 27th September. At some time in this interval the Vice-Chancellor wrote his final report which bears no date. At some time it was decided, after taking legal advice, not to confer degrees on any of the candidates for the B.Sc. Honours in Botany at the Convocation, but to subject all the candidates, except Alwar Iyengar, to a fresh practical examination. But there is no record of this in the file. On the 11th September Mr Mahadevayya wrote a long letter challenging the procedure of the Vice-Chancellor. On the 19th September the Vice Chancellor wrote a long rejoinder. On the 23rd September the ---

the University Council considered these two latter documents. On the 27th September this discussion was continued. Ultimately the report was taken into consideration. On this subject the University Council considered and voted on seventeen specific questions or propositions. They were able to arrive at a unanimous decision in respect of only one. As regards the action to be taken in respect of Dr. Sampathkumaran's conduct, they rejected all the propositions put forward, whether from either extreme or from the moderate point of view, and thus have left undecided the main question over which all this time has been spent.

III. The Evidence.

To turn to the evidence, it is not naturally to be expected that much direct evidence would be available in respect of a malpractice during an examination, and conclusions have necessarily to be drawn from surrounding events. As regards Alwar Iyengar, apparently grave suspicion attaches to the nature of his answers to the papers. He has not improved his position by the nature of his reply to the proposal that he should sit for another examination or by his refusal to give evidence. It would apparently not have been difficult, if some one with a full knowledge of the subject had tested him on the elaborate answers which he had produced, to discover whether he had any real knowledge of the subject matter of those answers, or whether he had merely written down something he had learnt by rote. The evidence that he was helped in the practical examination by Mr. Narasimhamurthi and Mr. M.A. Sampathkumaran is accepted by a large

majority of the University Council, and the fact that Mr. Narasimhamurthi has laid himself open to serious punishment by giving the evidence tends to support the truth of it. On the other hand, the other students deny having received help, but their evidence must be qualified by the fact that, if they had admitted it, they would have laid themselves open to severe punishment. In their case also it would appear that the University Council have accepted the evidence since they have ordered a fresh practical examination.

As regards the note books, we have to choose between two stories, one that Alwar Iyengar presented another student's note books and none of his own after putting covers on them and writing his name on the covers, the other the elaborate story that he presented some of his own and some others, the intention of presenting the others being to make a representation regarding the allotment of the marks. Mr. Rangaswami's evidence is quite clearly in favour of the former story. So also is that of Mr. Seshagiriah, though it is true that one of the answers in his first examination will bear the interpretation that there were some note books of Alwar Iyengar produced. Attention should however be here invited to his statement at page 148 as to the way he was tutored to make a statement of this kind. The fact, however, that, being, as is admitted, well disposed towards Alwar Iyengar, he challenged him with the fraud and, receiving no satisfactory answer, was very angry with him shows that the alternative story was not put forward at the time.

Nor does either he or Mr. Rangaswami support it in any way. At the same time there is much to show that it is entitled to no credit at all. If we are to believe it, we must believe that Dr. Sampathkumaran, as head of the department, was aware that the library work done by his students was a mere form, and took no steps to put the matter right; that, as Chairman of the Board of Examiners, he allowed himself to be approached by a candidate, and that his own son, regarding the allotment of the marks; that he was so lost to all sense of responsibility that, instead of dealing with the representation himself, he referred his son to his assistnat; that, after his son had failed to make any representation, he took the matter up himself and persuaded his assistants, not only to alter the practice, but to concur in a complete revision of the marks; that he kept no record of this change in practice and lost the marks list; and that he was unable, when called upon to produce the evidence upon which the whole matter turned, namely, the note books, to obtain them from his son for production. There is other evidence to indicate the falsity of the story. The note books were not obtained, as suggested by Dr. Sampathkumaran, from a variety of students as samples of their futilit but from a single student; his note books were generally appreciated as being specially good ones; they were not obtained by Alwar Iyengar for one occasion only, but were kept by him for weeks together; the whole story was only produced at a late stage in the inquiry; the note books were never used for the purpose for which they were said to have been borrowed; the delay in producing them lends support to the idea that Alwar Iyengar was taking

time to produce note books in his own hand to support his allegation that there were some of his own among those produced.

As regards Dr. Sampathkumaran, the principal facts are admitted, namely, that he took no precautions to advise the Vice-Chancellor of the delicate position he was placed in as Chairman of the Board of Examiners examining his own son, that he examined eight out of nine papers and gave as his reason that, if he had left it to the other examiners, he was "afraid that full justice might not "have been done", (page 6) and though he was himself conscious that his son's marking was much above his merits, took no steps to have his papers re-examined by the other examiners, that he maintained no register of marks in relation to the class records, that he disobeyed the rules of the University Council in respect of the appointment of Mr. Narasimhamurthi and was generally slack in his supervision of the examination, that on his own showing he himself told his son to submit the note books of another student, and that he failed to comply with the repeated requests to send the note books called for, and generally obstructed the enquiry.

In addition to these charges arising out of the examination, there are other charges regarding his attitude towards the University Council. They are expressed in the following extracts from his written and oral evidence:-

* * *

".....I consider that it would be very unjust "to me and prejudicial to my interests to have any "members of the University Council to take part in "any enquiry. I strongly feel that this enquiry "might be used to find, if possible, evidence to "justify an adverse conclusion arrived at much "earlier."

".....every member of the University has "expressed strong opinions in the consideration "of this case."

* *

".....I consider they have ~~k~~ prejudged "my case."

* *

Q. Granting it was so, could you not have got your action regularised by getting sanction at least after the examination was over?

p.140

A. These are all too technical. A certain amount of discretion should be given to the Chairman, and he does these things in the best interests of the examination.

* *

".....I think you are degrading the de-"partment, if you believe this crazy man's state-"ment and I do not like to be questioned on "this and there should be some dignity. (His statement and I should like to be treated with some dignity).

* *

"I have answered your questions. (Nara-"simhamurthi's confession is like Zinovieff "letter. It was put in at a psychological "moment; at 9.30 a.m. on the morning of the "University Council meeting).

* *

"This is an absurd accusation..... If you "are asking me these questions, I cannot answer..

* *

".....I do not accept any reflection upon "<u>me</u> (my integrity). I cannot understand <u>that at</u> "<u>all</u> (such questions) and I won't answer <u>such</u> "<u>questions</u> (them).

* *

"I consider these statements were obtained "by threats. ..... I am glad the Principal "is here. The statements were obtained by third "degree methods. My answer is Mr..... and "he will testify to the methods as to how the "information was obtained."

* *

"From 12-4-1941, from that day, I am having "this torture and if I break down, somebody must
* "(will) be responsible."

* *

"Please take this statement of mine.- All

These entries in brackets are additions or amendments to the shorthand writer's record made some days after the examination took place.

"these evidences are manufactured for the "support of a proposition that was passed withou "sufficient enquiry by the University Council "on the @ 26th April."

* *

The Vice-Chancellor's report at pages 158 to 176 may be read. He does not record any very positive findings, but his conclusions may be deducted from the following passages.

As regards the papers - page 167.-

"He (Mr. Koshy) goes on to add, however, that while th "majority of the candidates have maintained a "uniform standard in the answers to the differen "questions of each paper, the answers of candi- "date No.163 appear to vary widely in regard to "quality and standard. In each answer paper "of this candidate the answers to the first two "or three questions are definitely of a higher "standard than those attempted subsequently. "There are numerous references to authors and "previous work in the answers to certain ques- "tions, while certain others are not only lack- "ing in such references but are of a lower stand "ard. The referee goes on to add that this may "be due to his having been well prepared for "some expected or probable questions. It is "of course a fact that students are generally "in the habit of preparing answers for likely "questions, and this may well have been so in "the case of the candidate in question. In "any case no positive conclusion can be drawn "from a scrutiny of the answer papers, that can- "didate No.163 had access to inside information "as to the questions that had been set in the "papers for the Botany Examinations of 1941."

Again in regard to the marking of them - page 16

"There is something striking about the "symmetrical shortage of marks as given by Pro- "fessor Sampathkumran in comparison with the "marks given by his colleagues in the three "cases, where detailed marks are available."

And "in the absence of any positive evidence to "the contrary there can be no suggestion of "biassed valuation."

As regards the practical examination.-

page 169 "It must be set down as a serious "error of judgment that Dr. Sampath- "kumaran should have placed his col- "league and himself in so equivocal "a position."

page 171 "It must be set down that both the "share taken by Mr. Narasimhamurthi "in the conduct of the University "Examinations in Botany as well as the "method of remunerating him are highly "irregular."

page 174.- "The presence of Mr. M.A. Sampathkumaran "in the Botany Department during the practical exa- "mination is itself a matter for comment, seeing he "had no official duties, since his services were "terminated some time before and he does not seem to "have been carrying on any research work. He was "asked to present himself and answer questions, and "his refusal to do so and the manner in which he ad- "dressed the Registrar have been communicated to the "members of the University Council already."

"It must be concluded, therefore, as regards "the conduct of the practical examination in Botany "Honours that there was definitely a deviation from "the rules and proprieties that should regulate the "conduct of the University Examination in that a "share in the examination was taken by a person who "was not officially recognized for the purpose. "There is also considerable ground to hold that one "of the candidates No.163, received help illicitly".

As regards the note books.-

page 165 "....The conclusion is warranted that the "candidate No.163 did attempt to pass off the notes "of another student as his own".

page 166 "Nothing that Mr. Alwar Iyengar said "in his evidence has contributed to modify the conclu- "sion that he did attempt to pass off the notes of "another student as his own."

As regards influencing the evidence.-

page 175 "It has been stated both by Mr. Nara- "simhamurthi as well as Mr. Seshagiriah that they and "Mr. Rangaswamy who were likely to be called up for "examination during the enquiry were instructed what "to say, and at least one of them prepared a list of "questions and answers which was approved by the Pro- "fessor. It will also be recalled that Messrs. "Seshagiriah and Rangaswamy who submitted written "answers regarding library notes through the Profes- "sors gave an entirely different version during the "oral examination".

page 176 "It is significant also that Dr. Srinath "who even before he went to England for higher studies "was doing work with the Hons. classes in the Central "College was limited to work entirely in the Inter- "mediate College, even though he returned with higher "qualifications from England. Similarly Mr. Nara- "simhamurthi who was doing till recently work with "the Hons. classes in the Central College has stated "in one of his written statements that he has been "recently asked to limit himself entirely to work in "the Intermediate College".

It is difficult to know what to make of the findings of the University Council.

They find by a majority of 5 to 3 that Alwar Iyengar did not have access to inside information as to the questions; by 7 to 2 and 6 to 1 that he was

helped in the practical examination by Mr. Narasimhamurthi and Mr. M.A. Sampathkumaran, respectively; and by 5 to 4 that he presented another student's note books as his own. On these findings the Head of his College proposed that the sole punishment to be inflicted be cancellation of his results. On that being rejected, the Council accepted by 6 to 3 the proposal that he be punished by being debarred from appearing for the Examination for 1942.

In the case of Dr. Sampathkumaran they find unanimously that he was not aware that Alwar Iyengar was presenting another ~~another~~ student's notes as his own and by 5 to 3 that when he did discover this, he did not endeavour to cover up the ~~offence~~ offence. This rejection of the one story would seem to imply their acceptance of the alternative put forward by Dr. Sampathkumaran himself, which surely condemns him as hopelessly unfit to be an examiner. By seven votes to none they condemn him for his neglect of the maintenance of a record of marks for class work and for his posting of Mr. Narasimhamurthi to help in the examinations without authority. By 5 to 4 they find that he interfered with the evidence of his subordinates. By six to none they condemn his attitude towards the University and the Vice-Chancellor. They don't seem to have considered the general evidence of slackness in the department of which the evidence gives several glimpses, for instance, the keeping of the examination papers in an ~~almirah~~ almirah in the Botany room, the want of control of people coming and going in the examination room, the failure to make @ definite arrangements about the

marking, the acceptance without comment of Mr. Rangaswami's statement that he initialled his colleague's [illegible] marking without looking at the papers, the careless handling of the marks lists, the delay in obtaining the note books and much more. It is difficult after reading the evidence to resist the conclusion that the whole running of the department was slack to a degree.

As already indicated the University Council were unable to agree to any recommendation in the case of Dr. Sampathkumaran.

They propose that Mr. Narasimhamurthi be reduced by Rs.25 and debarred from examination work for six years.

It may be remarked in conclusion that, whereas the University Council are required to send copies of their proceedings to the Government without delay, and do send duplicate copies to His Highness the Chancellor, the copies received by His Highness never come in till long after the date of the meeting to which they relate, and that, although the record of this case shows evidence of numerous meetings in which it has been discussed, there is no reference to it in the copies of the proceedings sent to His Highness.

SNK/BNR.28-10-41.

D.O. No. 698

7th November 1941.

DEWAN'S OFFICE
8. NOV. 1941
No. 613/Educ

My dear Sir Charles,

I write to acknowledge with thanks the receipt of your D.O. letter No. C.1957 of the 6th instant together with a copy of the precis you have prepared of the proceedings of the University Council in reference to certain malpractices at the last B.Sc. Honours Examination in Botany. I am having the various points mentioned by you examined.

Yours sincerely,

(Sd) N. Madhava Rao

Sir Charles Todhunter, K.C.S.I.,
Private Secretary to His Highness
the Maharaja of Mysore,
MYSORE.

Forwarded W.C. Kingsley Moore
Edaborle
P.S. 7/11/41

CONFIDENTIAL AND URGENT.

C.522

UNIVERSITY OF MYSORE

DR. C. S. PICHAMUTHU.
B.Sc., PH.D. (GLAS.), F.R.S.E., F.G.S.,
REGISTRAR.

MYSORE

10th November 1941

Dear Mr. Appaji Gowda,

I am desired to invite your kind reference to my D.O. letter No.C.506, dated the 4th November 1941, requesting ~~to obtain~~ orders of Government in the matter of holding a re-examination in Honours Botany Practical 1941. According to the programme of work the examination has been fixed for the 17th, 18th and 19th instants. The University Council, which meets on the 15th November 1941, have to be informed of the action taken.

I am to request you kindly to intimate the orders of Government.

Yours sincerely,

Chas Pichamuthu

J. Appaji Gowda, Esq., B.A. (Hons.),
General Secretary to the Government of Mysore,
Bangalore.

D.O.No.C.528.

UNIVERSITY OF MYSORE

DR. C. S. PICHAMUTHU,
B.SC., PH.D. (GLAS.), F.R.S.E., F.G.S.,
Offg. Registrar.

MYSORE

Dated 13th Novr. *194* 1

Dear Mr.Appaji Gowda,

With reference to your D.O.letter No.7/G.S. dated the 12th November 1941, I am desired to forward by separate registered post a packet containing two class records and four library notes of M.A.Alwar Iyengar, candidate for the Botany Honours Examination, 1941.

14/11/41

I am to note below the information required in respect of Dr.M.A.Sampathkumaran's Examinership during 1938-39

Year.	Theory.	Practical (Together with another Examiner).
1938	1. Botany IV. 2. Botany V(b) Part I. 3. Botany VI.	1. Practical I. 2. Practical II.
1939	1. Botany II. 2. Botany V(b) Part I. 3. Botany IV.	1.Practical I. 2. Practical III.
1940.	1.Botany III. 2. Botany V(b) Part I. 3. Botany VI.	1. Practical I. 2. Practical II. 3. Practical III.

I am to request the favour of an acknowledgment of the class records and the library notes of M.A.Alwa Iyengar.

Yours sincerely,

Chas Pichamuthu
13. 11. 41

J.Appaji Gowda, Esq., B.A.(Hons.),
General Secretary to Government,
Bangalore.

h-13.

3106

UNIVERSITY OF MYSORE

CONFIDENTIAL.

D.O. No: C.242

MYSORE
Camp: Bangalore,
Dated 18th Novr. 1941.
19

20/11/41

Dear Mr. Appaji Gowda,

With reference to your D.O. letter No.9/G.S. dated the 15th November 1941, I am desired to forward herewith 12 library note books, ~~of~~ G.V. Bhakthavathsala Naidu and to enclose a list of ~~nax~~ names of candidates who obtained first class in the B.Sc. Honours Examination in Physics, Chemistry and Botany during the last four years together with the marks obtained by them in their respective Intermediate Examination.

I am to request you kindly to acknowledge the receipt of the note books and also the list.

Yours sincerely,

Chas Rikhamchan
19.11.41

J. Appaji Gowda, Esq., B.A. (Hons.),
General Secretary to the Government of Mysore,
Bangalore.

Submitted for perusal.

Edn. Minister) 20 Nov 20/11/41

1940. K.R. Ramachandran .. 014 1. class.

Chas Rikhamchan
Registrar.

23rd January 1942.

CONFIDENTIAL.

Dear Sir,

With reference to your D.O.letter No.P.485 dated 30th September 1941 forwarding the papers relating to the enquiry into the conduct of the Botany Honours Examination of 1941 and subsequent correspondence in the matter, I am desired to state that from a perusal of the records, the following important omissions and irregularities among others on the part of Dr. M.A.Sampathkumaran, Professor of Botany are noticed viz.,

(1) Even though his son M.A.Alwar Iyengar was appearing for the examination, Dr. Sampathkumaran did not bring it to the notice of the University

(2) In his evidence before the Vice-Chancellor during the enquiry, he himself admitted that he permitted his son to present the library note-books of another student i.e., Bhaktavatsala Naidu of second year (Honours) class to the Assistant Examiner Mr. K.N. Seshagiriah. He has further admitted that the practice of copying notes by students was in vogue for some years. Why the note-books of another student were deliberately allowed to be presented to an examiner and why the practice of copying notes by students was not condemned and discouraged requires to be explained.

(3) Both Mr. Seshagiriah and Mr.Rangaswamy have stated definitely that they sent the list of marks given for the class records to Dr. Sampathkumaran. But the latter has not produced this marks list though asked for at the time of enquiry; nor has he furnished the office copy of the marks list which Dr. Sampathkumaran is stated to have told the Vice-Chancellor was available. It is not understood what happened to the marks list given by Mr. Seshagiriah and why the same was not produced and also why an offi-

copy was not maintained. This omission requires explanation. The Assistant Examiners who valued the class records do not finally admi that they gave any marks for the liberary books of student Alwar, Iyenga while Dr. Sampathkumaran asserts that some marks were given and that the marks given for other class records were revised. The omission to produce the original marks list sent by the Assistant Examiners ~~gives scope for an adverse inference.~~ Maybe explained

(4) It is seen from the records that no effective or efficient arrangements had been made in regard to the conduct of practical examination. The Assistant Examiners or those who were asked to assist were allowed to come in and go out as they pleased. Persons unconnected with the Department or the College were allowed to be i the proximity of the examination hall. One of them was Mr. Sampath kumaran (nephew of Dr. Sampathkumaran) who had ceased to be a membe of the staff sometime before the examination and he was allowed to be in the Herbarium or M.Sc., Room during the practical examinatio Mr. S.K.Narasimha Murthy was permitted to assist in the examinatio work without the approval of the University. Lastly, Dr. Sampath-kumaran is stated to have not been present in the examination hall when the examination was going on and both the examiners are state to have been absent sometimes, which seems to have given scope for the commission of malpractices.

(5) From the evidence of Mr. Seshagiriah and Mr. Narasimha Murthy, it is gathered that Dr. Sampathkumaran influenced them and other members of the staff as to what they should say at the enqui The former has definitely stated that Dr. M.A.Sampathkumaran himse dictated what he had to say before the Vice-Chancellor. The latte has stated that he had to write out a panel of questions and answe and that he read out the whole to Dr. Sampathkumaran who suggested some a~~lternatives.~~ alternatives. Contrary to the evidence given by

(6) ~~The conduct of Dr. Sampathkumaran on the last day~~ of his examination before ~~the Vice-Chancellor is highly objectionable.~~ He

was for him to have dealings directly or give such instruction or advice to an examiner, when separate Assistant Examiners have been detailed to look into the class records.

(3) Why he did not produce the marks list of the class records before the Vice-Chancellor at the time of enquiry though asked for and why no record of such class marks was kept in the office.

(4) Why he delayed the submission of the Library note-books of his son without handing them over to the Registrar on 28th June 1941. While admitting that he had the Library note books of his son with him when the Registrar spoke to him on 28th June, he has stated in his letter dated 16th July to the Vice-Chancellor that the Library Note books of his son were always in his (son's) possession. This discrepancy requires to be explained. The note books have been produced at a very late stage in the enquiry, which has naturally given room for a reasonable suspicion that the note books may have been written up afresh or improved.

(5) Why he did not make proper and satisfactory arrangements for the conduct of the practical examination

(6) Why he allowed Mr. S.K.Narasimha Murthy to assist in the practical examination without the previous approval of the University and why he had not paid him reasonable remuneration till he was questioned in ~~kx~~ this respect by the Vice-Chancellor, though he had drawn the remuneration amount long before and why such unofficial and private arrangements had been made in regard to the conduct of a public examination.

(7) Why he tried to influence his subordinates and tutor them as to what evidence they should give at ~~at~~ the enquiry

(8) Why he should have conducted himself in such an objectionable manner at the last day of his examination.

(9) How Alwar Iyengar was able to answer a few questions in each paper in a definitely higher standard and in such a thorough manner and why it may not be presumed that he had previous

knowledge of the questions through him (Dr. Sampathkumaran).

The explanation of Dr. Sampathkumaran together with your remarks, if any, may be submitted to Government positively before the 5th February 1942, treating this as urgent. In case Dr. Sampathkumaran desires to look into the enquiry records, he may be permitted to do so in your office.

Yours sincerely,

23/1/42

Rajakaryapravina
N.S.Subba Rao, Esq.,M.A.,Bar-at-law,
Vice-Chancellor, University of Mysore.

UNIVERSITY OF MYSORE

D.O.No.P. 817.
Encl: One.

CONFIDENTIAL.

MYSORE,
Camp: Bangalore,
Dated, 10th February, 1942.

Dear Mr. Appaji Gowda,

In continuation of my letter No.P. 810 dated the 6th instant regarding Botany Honours Examination, I am sending herewith in original a letter, with its enclosure, dated 7th February 1942 from Dr. M.A. Sampathkumaran furnishing his detailed explanations to the points and observations contained in your letter of the 23rd ultimo

I have no remarks to make except I have two points:- (1) One page 2, Dr. Sampathkumaran says that "the Vice Chancellor had permitted Prof: Venkatesachar to an examiner last year even when he knew that Prof: Venkatesachar's son was a candidate". This statement is misleading and not at all correct. Sometime late in that year after the Boards of Examiners had been constituted, a young man came to me and invited to deliver an address to the Physics Association of the Central College. In my talk with him, I found that the young man was a son of Prof:Venkatesachar and was in the third year Honours Class, that is to say, he was taking the examination the following March. I immediately sent for Prof: Telang and asked him how his Board came to recommend Prof: Venkatesachar as one of the Examiners when his son was appearing for the Examination. Prof: Telang replied that he had no idea that such an appointment was incorrect, since there were no rules in the matter. I told him rules or no rules, it was undesirable that the father should examine the son. Prof: Telang thereupon said he would arrange that Prof: Venkatesachar had nothing to do with the Honours Examination. If the Board had not been already constituted, I should have asked the University Council not to appoint Mr. Venkatesachar to the Board.

He ought to have issued a circular about a letter of appointment for the Examination

What was the arrangement made?

(2) Page 7 onwards Dr. Sampathkumaran suggests that there was no delay on his part in the submission of the library records of his son and that he made them available the moment they were demanded. I am afraid Dr. Sampathkumaran is not correct. 2nd June 1941 onwards he was being repeatedly pressed to produce the library records. On the 2nd June when I visited the Central College, I asked for all the class records including the library records. Dr. Pichamuthu who called on Dr. Sampathkumaran on the 28th June asked for all the records ~~including~~ and Dr. Sampathkumaran is not right in saying that the Registrar never asked for the

library note-books. The reference to the conversation on the 27th June is mited by Dr. Sampathkumaran only to the laboratory records. This is not cor: All along I made it clear to Dr. Sampathkumaran that what I wanted was the en' class records of all the candidates, and I made this clear so early as the 2n June when only the laboratory records and the slides were shown to me and the gistrar. The Registrar was sent on the 28th June not merely for the laborat records, but for all the records. I fear Dr. Sampathkumaran is trying to ma differentiation between laboratory records and library note-books, which neit the Registrar nor I ever made nor intended to make.

I should like to add one remark about Dr. Sampathkumaran's "verbatim" re ports of conversation between himself and myself. I had not the slightest i that Dr. Sampathkumaran was attempting to maintain any record of the conversa tions that took place between us on the 4 or 5 occasions that he met me betwe April and July, apart from the days of his examination. He once sent me his conversation of the talk I had with him in the presence of the Registrar wher first noticed his son had got a first class, and I pointed out that the conve tion was incorrect and misleading. I am afraid I cannot vouchsafe for the racy of the version of the conversations he now embodies in his notes. At time did he send me a transcript of these conversations and obtain my confir tion of his version. It is also a point for notice that one who claims, as does on page 12, to be "only a witness and not a person whose conduct was un enquiry" should have taken this precaution of noting down the conversations had with me from time to time, unless he felt that his conduct was or would under enquiry and therefore, was anxious to accumulate materials which might in handy when he would have to defend himself.

The rest of Dr. Sampathkumaran's statement calls for no remark, and I h dealt with his contentions either in my examination of him or in my report.

Dr. Sampathkumaran speaks of his not being allowed to exercise his priv for crossexamining the witnesses. I have not had, fortunately, many occasi to help such enquiries in the University or in the Department, but I doubt i such departmental enquiries, it is usual to permit crossexamination of perso called up to state what they know of the matter under investigation. No s

rossexamination was allowed in the case of Dr. Krishna.

D.O. Confidential.
Enclosure nineteen pages and one plan.

Central College,
Bangalore,
7th February 1942.

Re: Your D.O.No.P.784 dated 29-1-42.

Dear Sir,

I beg to submit herein my detailed explanations to the points and observations contained in the letter dated 23rd January 1942 from the General Secretary to Government, Bangalore, to the Vice-Chancellor, University of Mysore, Mysore, and to request you to be good enough to forward in original the same to Governmen

Please convey to the Government my gratitude for having afforded me an opportunity to explain my position.

Yours sincerely,

M. Ramaswamy Aiyangar

Rajakaryapravina
N.S.Subba Rao, Esq., M.A.(Cantab), Bar-at-law,
Vice-Chancellor, University of Mysore,
(Camp) Bangalore.

Submitted

Explanations of Dr.M.A.Sampathkumaran to the points stated in the letter dated 23rd Janaury 1942 from the General Secretary to Government, Bangalore, to the Vice Chancellor, University of Mysore, Mysore.

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1. " Why he did not intimate the University that his son was appearing for the Examination ".

There was no rule or convention in the Mysore University that an Examiner should report to the authoritie if any of his relations was appearing for any examination in which he was an examiner. I beg to invite reference to the "Instructions to the Examiners and the Chairman of the Board of Examiners" of the University which contains no such directions.

Since the beginning of this University there have been numerous instances where Professors have been examiners in subjects in which their near nelatives (sons, nephews, brothers, sisters, cousins, etc.) have been examinees. I give below a few instances which I have been able to gather and I am sure there have been many other similar cases.

1.Prof.B.Venkateshachar.	(Sons)	I Raghavendra Rao, Old B.Sc.1927 I Class. II Rama Rao, Old B.A.1930 III Narayana Rao, B.Sc.Hon I Class.
2.Mr.M.Seshaiengar	(Sons)	Inter 1941.
3.Dr.Sampathkumaran	(Nephew)	Sampathkumaran, B.Sc.Hon and M.Sc. I Class in bot
4.Dr.Manjunath.	(Sister) (Sister) (Brother) (Cousin) (Brother)	Inter, B.Sc.Hons.(Preliminary and final). Inter and II M.B.B.S. 1931 and 1932. Inter. 1938, 1939. M.B.Sankarappa. Inter an B.Sc.Hons. 1930 & 1932. Inter, 1939, 40 & 41.
5.Prof.K.S.K.Iyengar	(Sister)	Inter.
6.Dr.A.Subba Rao	(Nephew)	I M.B.B.S.

7. Dr.Seshachalam (Nephew) I M.B.B.S.

8. Dr.Venkatasubba Rao (Brother) Final M.B.B.S. 1939.

Paritcular reference is invited to case No. 2 which occurred last year.

For this reason, it never occurred to me to report to the University that my son was appearing for the Botany Examination of 1941 and there was no necessity for me to do so, especially as the Vice Chancellor had permitted Prof.Venkateshachar to be an examiner last year even when he knew that Prof.Venkateshachar's son was a candidate.

2. " Why he allowed his son to present the Library Notes of another student to the Assistant Examiner or what need there was for him to have dealings directly or give such instructions or advice to an examinee, when separate Assistant Examiners had been detailed to look into the class records ".

The charges contained in this are not true.

I give below a detailed account of what actually happened in connection with the presentation of note books and their valuation.

At the time of valuation I found that my son had not produced any "Library Notes" Books. I asked him the reason and he brought to me 4 books written by him. When questioned for the reason for the meagreness of the work, he answered that he thought that Library work was of comparatively small importance as it always consisted merely of passages copied from text books or from the notes of other students who had themselves copied from standard text books. To illustrate this, he produced the note books of a friend of his, one Mr.Bhaktavatsala Naidu, in the Second Honours Class. I never asked him to produce any books of others.

I then directed him to Mr.Seshagiriah and asked him to offer his explanations to him. When my son took the books to Mr.Seshagiriah's room, he was not present there. He (my son), therefore, appears to have written his name on all the covers of the books and asked the peon to keep them on Mr.Seshagiriah's table.

When Mr.Seshagiriah came and examined the note books, he found that while the name on the wrappers of many of the books was that of my son, the name~~s~~ inside some ~~were~~ was that of Mr.Naidu. He immediately rushed to the conclusion that my son had attempted to palm off note books of Naidu as his own. He sent for my son and accused him of deliberate dishonesty. I understand that Mr.Seshagiriah was in a great temper and when my son (Alwar) attempted to explain what he had done, he did not get a hearing.

Neither Mr.Seshagiriah nor my son brought this to my notice at the time or even later. When I received Mr.Seshagiriah's valuation paper, I noticed that he had given no marks to my son out of the 15 marks allotted for Library Notes. I met Mr.Seshagiriah and Mr.Rangasamy (whom I had asked to assist Mr.Seshagiriah) in the former's room to prepare the final valuation list. Neither then nor at any other time did Mr.Seshagiriah tell me of what he later alleged to be my son's attempt at passing off someone else's books as his own.

The final valuation was carried out on the following basis:-

Library Records	50
Herbarium	20
Slides	20
Library Notes	10

With the knowledge of these assistants, I awarded only two or three marks for the few books that my son had written up as he deserved them for the work done.

I beg to point out that Mr.Seshagiriah knew my boy and his work intimately. The differences between the handwritings of my son and that of Naidu are too obvious and my boy could never have attempted to pass off several entire books written by his friend as his own, especially as he had already shown his friend's books to me.

I beg to point out further that no Assistant Examiners had been detailed to value class records and library notes. I had instructed Mr.Seshagiriah to do the preliminary valuation. He was never the actual examiner. Any marks that would be given by him were subject to my scrutiny. Mr.Seshagiriah was valuing the note books to learn to appraise the relative merits of the records of candidates. It is necessary that the assistants in the department should be given opportunities of learning this work. All these years, the final valuation has always been done by me as Professor and head of the Department.

Government have further observed that the practice of copying notes by students should have been condemned and discouraged. Very often, copying from standard text books of slected passages is essential and students cannot, in many cases, improve on the language of these authors. I beg to submit that most of our students cannot afford to purchase even the ordinary text books and, much less, special books. On account of this difficulty even mere copying has a

lists are sent to the College Office and they are enter in the College Register and a copy sent to the University by the Principal.

Therefore, there was no necessity to maintain a separate register in my department. If I wanted the marks, I could always obtain them from the College register which is the only recognised official record. Since the College register was always accessible, I thought that the maintenance of a duplicate was wholly unnecessary.

When the Vice Chancellor inspected the College on 2nd June 1941, he found that the practice of maintaining the records of class work varied from department to department. No exception has been taken to the system in my department by the successive Vice Chancellors during their annual inspections for the past nineteen years.

Since the valuation of Messrs. Seshagiriah and Rangasamy was in no sense final and since their list had only to be submitted to me for my information, I thought there was no necessity to file it. Its purpose was over as soon as I had scrutinised it and made my final valuation. It was my valuation that has to be entered in the records and not theirs.

Government have observed that the Assistant Examiners who valued the class records do not finally admit that any marks were awarded for the Library note books of student Alwar Iyengar. This is no doubt true but in the light of what I have stated above, it was I who in the exercise of my discretion awarded the marks,

obtained by the Registrar from the College Office and he instructed them to send their Library Note Books to me. The candidates other than my son sent their books to me after a few days as they had to collect them from their friends to whom they said they had lent them.

On 12th July 1941, I received at Mysore at 5 p.m. D.O.letter No.P.68 dated 10th July 1941 of the Vice - Chancellor, wherein he had enquired if I was able to obtain Library Records of my son. On the 13th July in Mysore the following conversation took place between me and the Vice Chancellor.

M.A.S. " May I send the note books (Library Note books) to you? "

V.C. " Please do so ".

M.A.S. " I will send them on Wednesday, after returning to Bangalore. I shall send the report also ".

In my reply to the above letter of the Vice Chancellor, while sending the library note books, I have stated that the library note books of my son had always been in his (son's) possession and that I was waiting for instructions to send them to the Vice Chancellor. Thus, there is no discrepancy. The confusion has arisen because the term " Laboratory Records" has been interpreted to include library note books as well.

From the above, it will be clear that the note books were submitted on demand with the least possible delay. Even though the books were produced late for reasons mentioned above, no additional books were ever produced nor were the books improved upon. This itself shows that the delay was not intentional. There has, therefore, been no room for suspicion. Further, I may

be permitted to draw reference to the evidence of Mr Seshagiriah on 29-7-41 wherein he has stated that he recognised the library note books of my son (Alwar) as those which he had previously valued. There was thus never any attempt on the part of my son to prepare fresh note books or improve on his original books.

I beg to add further, the following account of the circumstances connected with the submission of - Laboratory records, since at one stage in the enquiry I was also accused of deliberately and purposely employing " delaying tactics".

The Vice Chancellor told me orally on Monday 2nd June 1941 when he had come to the College to inspect the laboratory records kept in the different departments that he wanted also the laboratory records of all the candidates who had sat for the Botany Honours Examination of 1941.

On Wednesday 4th June 1941 when he had come to the College he told me " the charge now is that your son has inserted some other student's records into his laboratory book. You had better get the books and I shall see them ".

M.A.S. " A friend of my son, Baliah, who passed out this year has taken the records and has gone to his village, Kesthur. My son has written to him and I am expecting the records soon ".

V.C. " I shall be here in Bangalore between the two Palace Marriages and I shall see them then ".

On Wednesday 11th June 1941, when I had gone to Mysore to attend a meeting of the Presidents and Wardens of the several University Hostels, I met the Vice Chancellor when he asked me if the books had arrived.

M.A.S. " This morning, on my way to Mysore, I left my son at Maddur and asked him to go to Kesthur and bring the books. He has gone there and I expect to get them to-morrow. As you mentioned last, are you coming to Bangalore between the two Palace marriages? "

V.C. " No, I Can't come now. I shall come there on the 20th and inspect the books then. Have you all the answer papers ? "

M.A.S. " They are all with me quite safe ".

V.C. " Send them immediately you go to Bangalore ".

On Friday 27th June 1941, when the Vice Chancellor was talking to me in some other connection on the phone, the following reference to the laboratory records was made.

V.C. "What about the laboratory records ?"

M.A.S. " They are ready, Sir ".

V.C. " Have you got the books of all the candidates ?"

M.A.S. " Only four of them ~~then~~ have given them ".

V.C. "Have you got your son's records"?

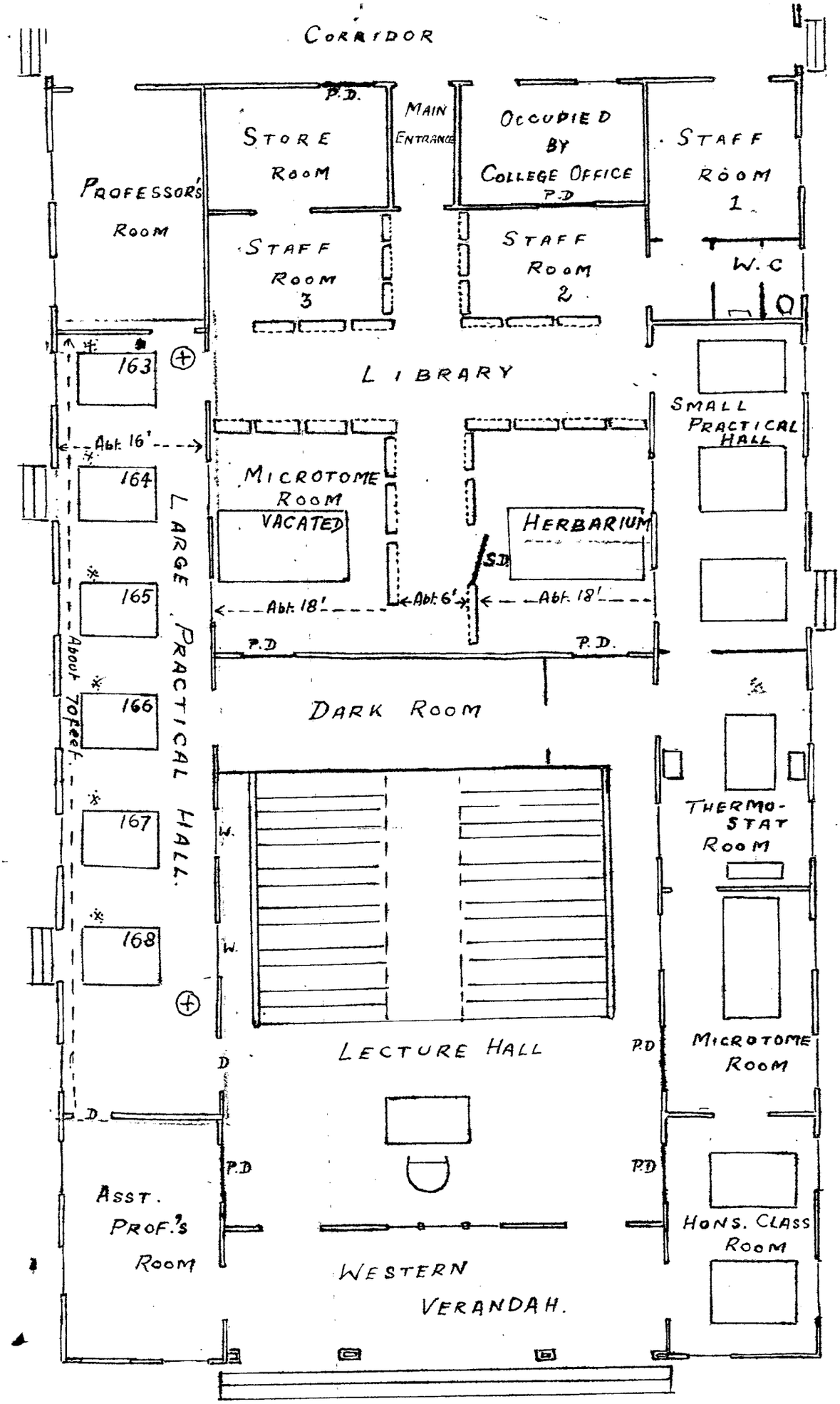
M.A.S. " Yes, Sir ".

V.C. " Then, I shall examine them on next Tuesday ".

However, on the following day, i.e., on the 28th July 1941, he sent the Registrar at 12-30 p.m. to demand the laboratory records when I handed them over to him.

From the above it is clear that I never adopted any dilatory tactics with regard to the submission of laboratory note books. The only instructions which I had received from the Vice Chancellor in connection with this subject have been outlined above.

I feel sure that, in view of the detailed account I have given above of the instructions that I had re-



D. DOOR

W. WINDOW

P.D. PERMANENTLY CLOSED DOOR.

* SEATS OF THE EXAMINEES. ⊕

S.D. SWING DOOR.

* STUDENT'S SEAT

PALACE ROAD.

received from the Vice Chancellor, the Government would be pleased to consider that I am not responsible for any delay either with regard to the submission of laboratory records or the Library notes.

5. "Why he did not make proper and satisfactory arrangement for the conduct of the Practical examinations".

For the conduct of the practical examinations I had made the usual arrangements. Whatever was in accordance with practice and rules was done except in respect of the appointment of Mr.S.K.Narasimha Murthy as the preparation assistant. Regarding this, I submit my explanation in the next section.

There were two examiners for each practical examination and a preparation assistant was entrusted with duty of preparing and distributing the materials. In this work, I had also requested the help of Mr.Seshagiriah who was one of the Assistant Examiners. The examination hall was carefully guarded on all sides. I give below a plan of the building with the location of the examination hall. It will be seen from the sketch that there was absolutely no chance for any outside help reaching the candidates. When Mr.Seshagiriah or Mr.Narasimha Murthy entered or left the room, it was always with my knowledge. I had issued strict instructions that no one who was unconnected with the examination should be allowed anywhere near the examination hall and I personally saw that these instructions were carried out.

The work of the M.Sc. students was going on, as usual, in a different part of the building, and I myself

was not aware at the time of the practical examinations, of the presence of my nephew, M.A.Sampathkumaran, or of any other outsider unconnected with the Department in the building. Even if such a person was present, he had access only to the place (herbarium) where the research students wer working.

I was always present in the examination hall and the external examiner would go out once to the adjacent room for taking his food, for a period of about 15 - minutes. When the examination was on, at no time were both the examiners absent. There was absolutely no possibility of any malpractice taking place during the ~~course of~~ the examinations.

I requested the Vice Chancellor to record the evidence of the external examiners regarding this aspect of the case and he declined to do so in his letter No. D.O.P.360 dated 9th September 1941. Had my request been acceded to, there would have been no evidence upon which the charge would have been ~~formed~~ founded.

When the Vice Chancellor began to take evidence I was informed that it was an enquiry into the <u>conduct of the last B.Sc.Hons Examination in Botany</u>. I was only a witness and not a person whose conduct was under enqui There was no specific charge made out against me. If there was one, I was sure, I would be given an opportunity of not only cross-examining the witnesses, but also of adducing my own evidence either oral or documentary. The technical form in which the enquiry started precluded me from exercising my privilege of cross-examing the witnesses. I was not even present or asked to be present when the evidence of others was being recorded. Further,

I beg to point out that the Vice Chancellor denied me the right to a copy of even my own depositions.

Hence, I venture to submit that the evidence recorded in this manner, without affording me an opportunity to controvert it should not be used as the basis to form charges against me.

6. " Why he allowed Mr. S.K.Narasimha Murthy to assist in the practical examination without the previous approval of the University and why he had not paid him remuneration till he was questioned in this respect by the Vice Chancellor, though he had drawn the remuneration amount long before and why such unofficial and private arrangements had been made in regard to the conduct of a public examination ".

I admit that my employing Mr.Narasimha Murthy as the preparation assistant for the practical examinations without previously obtaining the sanction of the University is a departure from the usual practice. At the time I sent the proposals regarding the distribution of examination work, I wanted to take permission to employ Mr.K.Rangasamy as the preparation assistant. ~~[illegible]~~. Since he suddenly took ill at the time of the examination, I had to employ Mr.Narasimha Murthy who was the next senior member in the department. Mr.Narasimha Murthy has put in 14 years of service and at that time he was the head of the Botany section of the Intermediate College.

I should have immediately written to the University and regularised the procedure. The subject however escaped my my memory as I was extremely busy with the camp work of the University training corps as the Honorary Quarter Master.

I have alredy expressed my regrets in this

matter. The arrangement was done with the best of intentions and I plead that the irregularity is purely a technione and pray that the Government may be pleased to overlook it.

Since permission had not been obtained to employ Mr.Narasimha Murthy as the preparation assistant, I had to include his remuneration in my bill and pay him subsequently. I beg to point out that my remuneration bill was cashed by the Bank on 12th August 1941 and I issued the cheque to Mr.Narasimha Murthy on August 27, 1941. Thus there was no appreciable delay in the payment.

I was questioned about this subject by the Vice Chancellor on the 23rd August 1941 and the only reason for even the short delay was due to the fact that I was considerably upset by the so-called uncorroborated confessional statement given by Mr.Narasimha Murthy on the 9th August 1941. There was never any intention to keep back the amount due to him.

7. " Why he tried to influence his subordinates and tutor them as to what evidence they should give at the enquiry ".

I never tried either to influence my subordinates, or to tutor them as to their evidence. When the enquiry started, even though I knew that several of my assistants would be called upon to give evidence, I scrupulously refrained from discussing the subject with them. I had nothing to fear from anybody since my own conscience was perfectly clear.

The evidence of Messrs. Seshagiriah and Narasimha Murthy on this point are wholly false and it is

difficult for me to account for the contradictory evidence given by them. My relations with my subordinates, all of whom are my own students, have been mostly cordial except in one or two cases. Mr.Seshagiriah, perhaps might have a grievance against me for my having passed some stringent remarks on a paper of his which he had submitted for publication in the journal of the Indian Botanical Society. The referee had made uncomplimentary remarks about the author (Mr.Seshagiriah) which might have been averted if it had been scrutinised by me - before. This was the only instance of an adverse remark made against any paper submitted for publication from my department (in journals, Indian or Foreign). The stringent remarks I made with a view to safeguard the reputation of my Department probably upset Mr.Seshagiriah and roused in him a hostile attitude towards me. If required, I shall submit the relevant correspondence.

I may be permitted to state further that Mr. S.K.Narasimha Murthy has probably a grievance of an official nature against me as he considers that I was responsible for Messrs. Seshagiriah and Rangasamy - superseding him.

8. " Why he should have conducted himself in such an objectionable manner on the last of his examination. "

Towards the end of the enquiry, the impression grew on me that I was being unnecessarily harrassed and that I was being suspected and that unjustifiable insinuations were being made against me. I knew also that a positively hostile atmosphere was being created all over the place by individuals with malicious inten-

intentions. In spite of all this, I tried my best to maintain my equanimity but the circumstances were very trying.

I admit that I lost my temper on a few occasions during the latter part of the enquiry on the 23rd Aug. 1941, when my honesty and integrity were being called into question.

All that I can plead in mitigation is that my veracity was impeached and the false statements of my subordinates were preferred to mine. Under these circumstances, with a trying and severe cross-examination lasting over an hour, it was difficult for me to keep calm. I very sincerely regret it, if I exhibited any temper. My submission is that my conduct was the result of the strain I was under ~~as a result of~~ due to a protracted and what appeared to be an endless enquiry and the loss of temper was purely psychological and never deliberate. I have the most profound respect for authority and decorum.

9. " How Alwar Iyengar was able to answer a few questions in each paper in a definitely higher standard and in such a thorough manner and why it may not be presumed that he had previous knowledge of the questions through him (Dr.Sampathkumaran).

I beg to point out that when my son failed in the Intermediate examination, it was only in English. There are several instances of boys who have failed more than once in the Intermediate Examination and in the Honours Preliminary Examination, getting first class marks in the final examination in the main subject. This is due

to the fact that several students do not take the earlier examinations seriously but concentrate on the final degree examination, since, on the result of that, depends their future. I give below some instances wherein students who failed in the Intermediate have secured first class in the final examination.

Name.	Year of passing.
1. M.J.Thirumalachar	1938.
2. M.Subramaniam	1939
3. B.G.L.Swamy	1939
4. Sadasivia	1941.

I beg to point out further that my son had uniformly obtained second class marks in all the class examinations and was always a good second class student. I give below several instances of students getting second class marks in class examinations pulling up to the first class in the final examination.

	Name.	Subject.	Year of passing.	I year. -	II yr. -	III Yr. -	Avg. -
1	Y.N.Lakshman	Chemistry	1941	48-38	66-52	55	52
2	B.S.Srikantia	Physics	1941	53-48	60-52	71	57
3	Veeraraje Urs	do	1941	37-30	55-59	57	48
4	Venkatachalam	Math.	1940	45-54	60-50	50	52
5	Veeriah	Zoology	1939	24-45	52-60	50	46
6	B.G.L.Swamy	Botany	1939	54-58	52-49	50	53
7	Thirumalai	Physics	1939	54-47	42-47	60	51
8	Krishnaswamy	do	1939	44-51	57-49	56	52
9	Bhavanishankar	do	1931	14-18	Not promoted to 2nd Hons.		
		Chemistry	1935	46-28	43-49	62	46

No 9. Failed in English in Preliminary in 1934 and passed in it after completing the main subject.

	M.A.S.'s Son.	Botany	1941	45-51	50-55	52	51

My boy was the Hockey Captain in one year and

the Secretary of the Union during last year. He was an enthusiastic sportsman and took a great deal of interest in the social activities of the College. He worked very hard during the latter part of the year.

It is common knowledge that students generally study very carefully the question papers of previous years and prepare answers for some, which they think are likely to appear in the examination, because the questions recur periodically. The first impulse of a candidate on opening a question paper is to find out if any questions for which the student has prepared his answers have appeared and if he finds that to be the case, he will concentrate on answering such questions exhaustively spending most of his time. As a consequence, it is always found that the answers to the subsequent questions are of a lower standard. Dr.Koshi has drawn special attention to the fact that my son has given prolific references to authors and previous work in certain of his answers. The obvious reason for this is that he had full access to my personal library.

Against the presumption that my son had obtained previous knowledge of the questions through me, I can only give my word of honour that I have not done any such thing. Even Dr.Koshi was unable to draw any such inference from his examination of the answer books. If I had any such intention I could have given him all the questions and answers and loaded marks in all class examinations.

I beg to submit that I have put in 32 years of unblemished service and have achieved for my department some recognition in the Botanical World. I may be permitted to mention that I was the sectional president of

of the Indian Science Congress as long ago as 1927 and recently I have been elected the President of the Indian Botanical Society. Further, I have long been connected with almost all Indian Universities, both as an examiner of degrees upto the highest standard and as an adviser on academic matters. At no time was my integrity questioned and I have no hesitation in thinking that the Government would be pleased to rule out this absolutely baseless charge.

Ever since the 12th of April 1941, I have been the victim of a regular campaign of malicious slander by interested parties and it has been my fate to witness the solid reputation of my department which I had built up during thirty arduous years, dragged in the mud. From a ~~xxxxxxx~~ perusal of the evidence I find, further, to my sorrow and disappointment, that some of my trusted subordinates who were also my students and for whose uplift and advancement I have been personally responsible have found it fit to perjure themselves and to tender false evidence with the sole object of damaging my reputation and character, not caring to spare a thought as to the effect of such action on the reputation of the very department and the University in which they are serving and are going to serve hereafter. The result has been that a case has been built based on rumours and suspicions. I have complete confidence that the Government will be pleased to give sympathetic consideration to my explanations and completely vindicate my honour and reputation.

--

M Lampath Ommaran
Professor of Botany

Feb. 7, 1942

UNIVERSITY OF MYSORE

P. 822.
Recd. one file of papers.

N. S. SUBBA RAO,
Vice-Chancellor.

MYSORE

CONFIDENTIAL

Dated 16th Febry: '42 *193*

17/2/42

Dear Mr. Appaji Gowda,

In continuation of my confidential D.O. letter No.P. 817 dated 10th February 1942, I send herewith, in original, a further communication dated the 13th instant from Dr. M.A. Sampathkumaran, Professor of Botany, Bangalore.

I only desire to add that I did not accept his suggestion that I should take the evidence of the external examiners, because I did not consider it necessary or expedient that the episodes connected with the examination should attract the notice of outsiders. Further, I did not feel that they could give any information that would be of service.

Yours sincerely,

N. S. Subba Rao

J. Appaji Gowda, Esq., B.A., (Hons),

Bangalore.

D.O.
Enclosure eleven pages
of copies of correspondence.

Central College,
Bangalore,
13th February 1942.

Confidential.

Dear Sir,

Further to my D.O. letter of 7th February 1942 I am enclosing herein copies of correspondence to support some of the explanations that I have offered for the points raised in the letter dated 23rd January 1942 from the General Secretary to Government to the Vice Chancellor, University of Mysore, Mysore and to request you to be good enough to forward the same to Government. The originals are with me and I shall submit them if required.

Yours sincerely,

M.V. Lampathi Narasimhan
Professor of Botany

Rajakaryapravina
N.S.Subba Rao, Esq., M.A.(Cantab), Bar-at-law,
Vice Chancellor, University of Mysore,
(Camp) Bangalore.

Confidential.

Copies of Correspondence.

I. Reference:- Point No.3, Page No.5, line 15.

Acknowledgment of the Registrar dated 24-7-41 of the Class Record Marks.

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Received Class Record Marks of the Central College (Science Departments) for 1938-39 and 1939-40.

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II. Reference:- Point No.4, Page No.8, line 6.

Copy of D.O.No.P.68 dated 10th July 1941 from the Vice Chancellor, University of Mysore, Mysore.

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With ~~xxxxx~~ regard to the enquiry in the matter of the last Honours Examination in Botany, I am writing to request that you will be good enough to obtain from your Assistant or Assistants who valued the class records of the candidates for the examination in March 1941, a - written statement giving the following details:-

1. The kind of class record of each candidate they valued;
2. Whether their records related to the first, second or third year of the course or all the three years;
3. What marks they gave to the records and on what basis?
4. Whether they had in any case any prima facie grounds to feel that the records submitted were suppressed and were not the work of the candidate concerned;
5. If there was any such ground, whether they took any action to get the matter enquired into.

You will be coming to Mysore, I presume, to-morro that is the 11th instant, and should this letter reach you before you leave, I shall be obliged if you will give

give instructions to the concerned member or members of the staff to prepare this report and send it to me direct as early as possible.

I shall be glad also if you will kindly let me have the office copy of the marks list which you said last time should be available. Further I shall be glad if you will let me know how you yourself as Professor of Botany dealt with the valuation statement prepared by your Assistant or Assistants, and whether you accepted the valuation, or made your own valuation. In the latter case, how was the difference, if any, dealt with? I shall be glad to have a full note on the subject so that the matter may be enquired into in further detail.

You have not told me yet whether you have been able to obtain the library work records of the candidate concerned. If the candidate is not able to produce the record yet, please let me have from him his reasons therefor in writing.

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III. Ref:- Point No.5, Page 11, line 9.

Letter No.22842 dated 26-2-41 from the Registrar, University of Mysore, Mysore, to the Chairman, Board of Examiners in Botany, Bangalore.

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With reference to your letters dated the 3rd Feb. and 21st Feb. 1941, I am directed to convey approval of the scheme of distribution of work in respect of the practical examinations for the B.A., B.Sc., and B.Sc. (Hons) Preliminary examinations of 1941.

Ref:- Point No.5, Page 12, line 21.

D.O.No.P.102 dated 23rd July 1941 from the Vice Chancellore, University of Mysore, (Camp) Bangalore.

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I propose to proceed further with the enquiry in connection with the last Honours Examination in Botany. I shall be glad if you will kindly meet me at the Silver Jubilee Technological Institute to-morrow morning at 9 A. I shall then furnish you with a list of points on which I should like to have your views, and also a list of other persons whom I would like to examine.

I shall be glad, however, to know to-morrow morning on what basis the number of marks allotted to class records was distributed in the previous years between the different kinds of records.

I have received the mark lists sent by you with your letter of the 22nd instant. I find that the marks ~~of~~ for the Botany Honours students are given as one - mark and the distribution is not shown as between the different kinds of class records. I presume you have in the Department of Botany a record of such assignment. That record not only for this year, but also for the preceding five years may kindly be brought with you tomorrow.

Ref:- Point No.5, Page 12, para 3.

a). My D.O. letter dated 7th September 1941 to the Vice Chancellor.

In connection with the enquiry that you have been conducting I beg to draw your kind reference to my request to you to record the evidence of the other - members of the Board of Examiners. I feel that their evidence will be of very great assistance to you in arriving at correct conclusions. I have no doubt that persons of their standing will readily co-operate with

with you and give you reliable information regarding the conduct of the recent B.Sc.Hons. Examination.

Finally I may be permitted to point out that the enquiry will not be complete without this material evidence ; and I have no hesitation that you will be pleased to comply with my request.

b). D.O.No.P.360 dated 9th September 1941 from the Vice Chancellor, University of Mysore,(Camp) Bangalore, to me.

Your letter of the 7th inst.

I am much obliged to you for your suggestion, but I am afraid it is not possible for me to accept your suggestion although in your opinion the enquiry will not be complete without what you call this material evidence.

c). D.O.letter dated 31st Aug. 2941 from Prof.M.S. Sabhesan, M.A., Professor of Botany, Christian College, Madras, to me.

I am surprised to hear that the results of the last B.Sc. Honours Examination have been questioned and that some aspersions have been cast on you as Chairman. It is my duty now to make it plain that there was nothing in the conduct of the examination to which any objection can possibly be taken. I shall consider it my duty as an examiner to give any further information if it be necessary in the interests of the University. I have no objection to your using this letter in any manner you choose.

Ref:- Point No.5, Page 13, line 1.

a). My letters dated 4th and 16th August 1941 to the Vice Chancellor, University of Mysore, Mysore.

1. On the 26th of last month I had personally requested the Registrar to furnish me with the copies of my deposition and I wrote to him again on the 30th. Since I have not yet been favoured, I request that you may be pleased to have them sent to me at an early date.

Thanking you in anticipation.

2. I have sent two letters to the Registrar and one to you requesting for copies of my depositions in this enquiry. As yet, I have not been favoured with a reply. I shall be very grateful to you if you can kindly let me know whether there is any objection to my being given these copies. In view of the prolonged agony I am subjected to I desire to send a memorial to the Government through you for which I require these depositions.

Thanking you for the favour of a reply.

b). D.O.No.P.223 dated 18th August 1941 from the Vice Chancellor, University of Mysore, Camp, Bangalore, to me.

Your letter dated the 16th inst.

I have thought over the matter and I do not think that these documents can given to you at this stage of the enquiry.

IV. Ref. Point No. 7, Page 15, line 2.

Original Statements dated 16th July 1941 of Messrs. K.N.Seshagiriah and K.Rangaswamy.

Ref:- Your enquiry this morning.

1. a) Laboratory records (drawings)
   b) Herbarium
   c) Slides
   d) Library notes.

2. Records referred to all the three years.

3. Dont not remember the details.

a) 50

b) 15

c) 20

d) 15.

4. The candidate in question had not submitted any Library Notes. When questioned about this he brought next day a few books of his own and some of another student. When questioned as to why he had brought the notes of another boy, he said he had brought them to show how these notes were made up. I did not award any marks for this portion of the work.

5. This matter was brought to the notice of the Professor of Botany. Later the Professor, Mr.Rangaswamy and myself sat together and revalued the work of all the students.

--

Ref:- Your enquiry this morning.

I was asked to help Mr.Seshagiriah by the Professor in the valuation of Honours records at the last - moment. By the time I went to him, he had valued all the records. Since the matter of valuation was over, I merely put my signature into the list of marks prepared by Mr.Seshagiriah. At the suggestion of the Professor, all three of us namely, the Professor, Mr.Seshagiriah and myself revalued the work of all the candidates ıd awarded the marks.

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Ref:- Point No.7, Page 15, line 5.

Letters received from Prof. M.O.P.Iyengar, Business Manager, Journal of the Indian Botanical Society.

1. Letter dated 29 th May /24-6-41 from M.O.P. Iyengar to Prof.M.A.Sampathkumaran.

Seshagiriah some time back sent his paper after making the corrections pointed out by me originally. As there were still a few corrections to be made, I sent the paper back to him for giving effect to these corrections. I enclose copies of my letters to him. He returned the paper with the corrections made. I am sending the paper to the Press.

With kind regards.

2. Letter dated 24th Feb. 1941 from Mr.K.N.Seshagiriah to Prof.M.O.P. Iyengar.

I thank you very much for sending me a copy of your letter to Prof.Parija. My letter to Prof.Parija was no protest and I must apologise to you, at the outset, for the annoyance which my paper caused you because of its many minor mistakes and faulty pastings etc. I confess that the art and technique of preparing papers for Science Journals are difficult and the mode of presentation differs in different Journals. I am confident of picking up this during the course of one or two of my papers being published. You will agree with me that one becomes more perfect as one works on and gets encouragement. The piece of work which I had sent for publication was done years ago and till now I have not been able to get it published. How am I to

know the way ? I crave your indulgence and of other experienced workers in the field.

Dr.M.A.S. summoned me to his residence and gave me a thorough shaking, threatening me with severe disciplinary actions against me. That interview made me spend a restless day and sleepless night; and in that state I pondered, recapitulated all my past career with a view to recollect any of my shortcomings that enraged Dr.M.A.S. I got from bed quite refreshed for I found no criminal offence perpetrated by me. He thinks that getting my paper published in the Journal of the Society of which I am a member, an offence against him and he told me that I was working against him. What worlds have I to conquer by working against him. He was my Professor and now my - superior officer. The whole interview made me so sorry and when I think of it I shudder.

You were pleased to mention in your letter the minor mistakes, questioned the need for many figures and the photo etc. Dr.Maheshwari while refereeing asked for the same things and many other details. You have recommended now for the elimination of some of them.

Coming to the defective expression, Dr.Maheswari also mentioned something about it. I pleaded with the Chief Editor to give the author some latitude and liberty to express what he wants to say and not censor him.

Regarding the other corrections made by you many of them seem to me quite unnecessary. You will excuse me when I say this. Take for instance the word fertilisation. Please refer to Textbook of Botany by J.Small, 4th Edition.

You will see "s". Again take the work homotypic. I had typed "o". You have corrected it as "oe". Both are correct. Please refer to the same book above mentioned. Index page 702. You will see "o". Similarly I can go on showing some more. But I stop.

I remember, once, Dr.M.A.S. becoming furiously angry with me regarding the spelling of the word Ocymum. His point was that Ocymum should be as "Ocimum" and not - "Ocymum". I said that both were correct, but he was furious. Then I showed in Haberlandt's Physiological Anatomy of Plants where it was printed as "Ocymum".

So you will see these minor things are not of much significance in any paper where I feel, one's attention should be focussed upon the subject matter on hand, of course not grossly neglecting the other points.

I am sorry to say many of your corrections and hence remarks, as I have already shown you, were quite unnecessary to put in the mild way and these remarks of yours are partly or mostly responsible for the memorable interview which I experienced with Dr.M.A.S.

How is an author of a paper to survive if he is being refereed and censored for his expression etc. at every stage between the Editor to the Printer? and particularly when the opinions of the many individuals are contradictory?

Please consider all these kindly. I feel the - beginner can stand one referee or a board of referees meeting at one place at the same time and coming to an unanimous conclusion. The author can be sure where he is standing and please the referees. Otherwise, he will

be reduced to the position of "The old man and his son with their donkey" of the Fables.

I am in troubles. I thank you once again for your kindness.

With many respects.

3. Personal D.O.letter No. nil dated 20th May 1941 from Prof.M.O.P.Iyengar, Madras, to Mr.K.N.Seshagiriah.

I have not yet replied to your letter of the 24th February 1941. This letter was written by you when you were much agitated after your interview with Dr. Sampathkumaran. I did not want to reply to your immediately. I wanted to wait for some time till you cooled down.

You state in your letter that my remarks on your paper " were partly or mostly responsible for the memorable interview you experienced with Dr.M.A.S.". I do not believe that my pointing out the mistakes in your paper would have angered Dr.Sampathkumaran to the extent you state he was. We all commit mistakes in writing papers and I don't see why anybody should get angry about them. I believe that Dr.Sampathkumaran's displeasure must be due to some other cause; very probably to a breach of the ordinary etiquette and loyalty due to your own Department and to your Departmental Head. Whatever may be the differences of opinion between you and the Head of your Department, it is certainly breach of departmental etiquette and loyalty to write as you have done to Prof.Parija in such a manner.

D.O.No.P.834. UNIVERSITY OF MYSORE

MYSORE

Dated 18th February 1942.

CONFIDENTIAL.

Dear Mr. Appaji Gowda,

With reference to this office confidential letters No.D.O.P 817 dated 10th February 1942 and No.P.822 dated 16th February I find that Mr. N.S. Subba Rao has apparently sent Dr. Sampathk maran's explanation to you with its enclosures in original. copy of Dr. Sampathkumaran's explanation has been kept in this office. On enquiring from the Vice Chancellor's personal clerk why this procedure was adopted, I learnt that Mr. N.S. Subba Rao apparently anxious to get the letter sent off to Government, and did not want further delay of a day in typing Dr. Sampathkumaran long explanation. Whatever may be the reason, it is obviously n cessary that I should have a copy of Dr. Sampathkumaran's explan tion. The whole question is under correspondence between Gove ment and this Office. It is more than likely that there will b further correspondence, and most likely discussions with the Min ter for Education on the matter. I should be obliged, therefo if you will either send me a copy of Dr. Sampathkumaran's expla tion with its enclosures or alternatively return the same to me order that I can have a copy made for my own file.

Yours sincerely,

18/2/42

J. Appaji Gowda, Esq., B.A., (Hons),

Sri Krishnarajendra Silver Jubilee Technological Institute,
Bangalore.

First day. 24th July 1941.

At the outset the issue was considered whether Dr.Sampathkumaran was entitled to demand as he did in his letter dated 23rd/24th July 1941 that when he was examined, the members of the University Council, who it was proposed to assist the Vice-Chancellor in the enquiry, should not be present. Dr.Sampathkumaran offered all facilities for the enquiry and placed himself entirely at the disposal of the Vice-Chancellor for the purpose, but contended that the rules did not require that he should be examined either in the presence of, or by, the members of the University Council, since according to him the Vice-Chancellor was the executive head of the University.

The Vice-Chancellor did not agree with Dr.Sampathkumaran, and Dr.Sampathkumaran submitted that if he should be required to be examined in the presence of or by the members of the University Council it should be only after he had given a representation in the matter and orders on it were obtained from Government.

As this would have delayed matters, the enquiry of the first day was proceeded with, the question raised by Dr.Sampathkumaran being reserved for further consideration.

Ques. With regard to the class records has it been the practice not to give marks for them at the time the drawings or library notes or herbarium specimens or the slides were prepared?

Ans. Laboratory records(drawings are examined every week, but valued at the end of the third year for the purpose of the University and the preparation of slides are superintended either by the Professor or other members of the Department and valued at the end of the third year. Herbarium records are superintended at the time of the excursions either local or outside, by the members of the staff and valued at the end of third year. Library note books are inspected and valued only at the end of the third year.

Ques. Is there any indication on the records to show that they have been inspected or checked by the Professor or a member of the staff.

Ans. No.

Ques. How often then are the drawings inspected in the course of the year.

Ans. Practically every week.

Ques. Has the Department adopted the practice of leaving some indication on the drawings or other records to show that they have been inspected?

Ans. There is no special reason but the practice has been for last 20 years nearly not to mark the records.

Ques: What proof will there be for any Inspecting Officer or for the Professor himself to know that these records have been systematically inspected by the members of the staff?

Ans. I had no occasion to suspect anybody.

Ques: Does it mean that you have been checking the class records periodically?

Ans. I check the records of students from time to time.

Ques: Have you left any indications of your scrutiny?

Ans. No. Occasionally I sketch a new figure on the blank paper.

Ques: Could you from these records point out any such scrutiny?

(Dr.Sampathkumaran looked through the books and pointed out one or two sketches he had probably made in the note books of a student.

Ques: Has there been anything like consultation between the different departments in the college with regard to uniformity either in the inspection of records or their valuation?

Ans. No, nor has there been any uniformity even as regards the kind of records to be maintained.

Ques: You say in your letter of the 16th July that the library notes consisted merely of passages copied from the books or from the note books of other students. Was it the first time that this fact came to your notice?

Ans. No, It was noticed before, but this time it was insisted upon. I had allowed this because even copying would give them some additional knowledge.

Ques: How long is this copying in practice?

Ans. It was noticed by me about five years ago.

Ques. Was the proportion of marks allotted to the different kinds of records in the earlier years?

Ans. Laboratory records-50: Herbarium and slides- 25: Library notes-25: Subsequently the proportion allotted to library notes was reduced to 15, and this year it was reduced still further to 10.

Ques: Have you ~~gi~~ maintained in your Department any record of the marks given to students under the different heads?

Ans. No. As soon as the marks have been given the consolidated list is ~~sent to the~~ college office.

Ques. Is no register maintained in your Department.

Ans. No. It was considered unnecessary.

Ques. In your letter of the 16th July you say that you were waiting for instructions to forward your son's library notes. Is it your recollection that these notes were not asked to be sent earlier?

Ans. On the 2nd June the Vice-Chancellor asked me to collect the drawings and library notes from the students and have them ready. When the Registrar came on the 28th June the laboratory records of 4 candidates were made available. He did not ask for library notes. And, therefore, I did not give them. When the Vice-Chancellor asked for the notes of all the candidates, I felt awakward to ask the students and said the Refistrar might write to them and get them.

Sd.M.A.Sampathkumaran.

"Copy"

UNIVERSITY OF MYSORE

1.D.O.letter No.P.102, dated the 23rd July 1941, from the Vice-Chancellor, University of Mysore, to Dr. M. A. Sampathkumaran.

I propose to proceed further with the enquiry in connection with the last Honours Examination in Botany. I shall be glad if you will kindly meet me at the Silver Jubilee Technological Institute tomorrow morning at 9 a.m. I shall then furnish you with a list of points on which I should like to have your views, and also a list of other persons whom I would like to examine.

I shall be glad, however, to know tomorrow morning on what basis the number of marks allotted to class records was distributed in the previous years between the different kinds of records.

I have received the mark lists sent by you with your letter of the 22nd instant. I find that the marks for the Botany Honours students are given as one mark and the distribution is not shown as between the different kinds of class records. I presume you have in the Department of Botany a record of such assignment. That record not only for this year but also for the preceding five years may kindly be brought with you tomorrow.

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2. Letter dated the 23rd/24th July 1941, from Dr.M.A. Sampathkumaran, to the Vice-Chancellor, University of Mysore.

With reference to your D.O.No.102,of even date received by me at 1.10 p.m. I beg to invite your reference to the Ordinance 26 on page 17 of Volume I of the Mysore University Calendar 1939-40 and to the Standing orders of the Government of Mysore relating to enquiries into the *conduct of Public Servants.*

During -

During the "Confidential Enquiry" when you examine me I trust that the persons, who as per your telephone conversation this morning would assist you, will not be present.

3. Letter dated the 25th July 1941, from Dr.M.A. Sampathkumaran, to the Vice-Chancellor,University of Mysore.

With reference to your personal instructions this morning that I might submit a representation stating my objections for the presence of University Council Members at the Preliminary Confidential Enquiry for the orders of the Government, I may be permitted to invite your kind reference to my D.O.letter of 23rd/24th instant.

I beg to point out once again that I base my objection on Section 26 of the Mysore University Act and the Standing Orders of the Government of Mysore in connection with enquiries into alleged misconduct on the part of Government servants (a type-written copy of which you had taken for perusal from me). According to these, the Preliminary Confidential Enquiry can be conducted only by you as my official superior at present, or by an officer specially deputed by Government for the purpose.

A second examination has been ordered for the candidate in a University Council resolution on the 26th of April 1941. Other incidents have occurred subsequently casting suspicion on my conduct and character. So, I consider that it would be very unjust to me and prejudicial to my interests to have any members of the University Council to take part in any enquiry. I strongly feel that this enquiry might be used to find, if possible, evidence to justify an adverse conclusion arrived at much earlier.

In this connection, I beg to represent that

you yourself appreciated the reasonableness of my request when I represented to you during a conversation with you on the telephone on the 28th June that no member of the University Council should be a member of the Enquiry Committee, since every member of the University Council has expressed strong opinions in the consideration of this case. I was indeed happy when you suggested that you would recommend to the Government to appoint a Judge of the High Court to go into this matter.

I cannot conceal from myself that this whole episode is derogatory to my status as a Government Officer of 31 years service, and to my standing as a University Professor. So, I humbly request that you may be pleased, in your communication to the Government, to emphasise for kind and generous consideration my feelings regarding the presence at the enquiry of others than the Vice-Chancellor, especially as I consider they have prejudged my case. Further, Sir, you have been the Head of Government Departments for several years, and you have already conducted the enquiry on two days and I trust that you are satisfied with the manner in which the enquiry has progressed. My only prayer is that, at the enquiry, no University Council Member should be present.

4. D.O.letter No.119, dated the 26th July 1941, from the Vice-Chancellor, University of Mysore, to Dr.M.A. Sampathkumaran.

With reference to your letter dated the 25th instant, I am writing to say that there should be no reference to any conversation between me and you on the 28th June for two reasons. The first is that it is not correct to quote in official documents from conversations or from oral instructions, both of which have to be confirmed. In the

second place I have no recollection of the conversation, and I am not prepared either to accept or deny the details in the paragraph.

D.O.letter dated the 26th July 1941, from the Dr.M.A. Sampathkumaran, to the Vice-Chancellor, University of Mysore,

With reference to your letter No.P.119 of even date, I beg to state that the Manual of General Circulars and Standing Orders, Part I, page 30 (pointed out to me this morning) do not apply to this case.

"Copies"

h-28.

Confidential

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read--

Correspondence ending with the Vice-Chancellor's D.O.letter No.P.817 dated 10th February 1942 forwarding the explanation of Dr. Sampathkumaran in regard to the irregularities in the Botany (Hons) Practical Examination of 1941 and further D.O.letter No.P.822 dated 16th February 1942 forwarding copies of certain correspondence between Dr. Sampathkumaran and others.

ORDER No.3525-26/CS 202-41-1

Dated, Bangalore, 8th April 1942

When the results of the B.Sc. (Hons) Examination of 1941 in Botany were under scrutiny by the University authorities, it was noticed that M.A.Alwar Iyengar, a candidate for this examination, who is the son of Dr. M.A. Sampathkumaran, Professor of Botany had secured first class marks. This aroused reasonable suspicion as the student was only of average ability, having secured an ordinary pass in the S.S.L.C. Examination and III class in the Intermediate Examination after having failed once. His result was withheld and after consideration of all the circumstances of the case, the University Council decided ultimately that an enquiry should be instituted regarding the conduct of the examination to find out if there were

any irregularities or malpractices in respect of the same.

Accordingly the Vice-Chancellor conducted an elaborate enquiry and has submitted the connected records.

The main irregularities in the conduct of the examination as disclosed from the enquiry are briefly as follows:

Though Dr. Sampathkumaran was the Chief Examiner and had to value most of the papers, both in theory and practical, he did not intimate to the University that his son was an examinee and obtain instructions in the matter.

Candidate Alwar Iyengar produced before the Assistant Examiner, Mr.K.N.Seshagiriah not only four library note books written by him but also eight note books of a second year Honour's student by name Bhaktavatsalam Naidu which were covered with wrappers on which the name of Alwar Iyengar was written. When Mr. Seshagiriah who valued the note books questioned Alwar Iyengar, the latter is stated to have asserted at first that all the books were his, but later when the wrappers were removed and the name of the actual owner which was written on the note books was shown to him, he began to give unsatisfactory explanations. Mr. Seshagiriah not award any marks for the library not books produced by the candidate, and Mr. Rangaswamy, another member of the staff

who had been asked to assist Mr. Seshagiria concurred with this valuation. The marks list signed by both of them was sent to Dr. Sampathkumaran, who is alleged to have revised the valuation and given the student a few marks for the note books actually written by him after lowering the maximum for library notes from 15 to 10. The marks list sent by the Assistant examiners was not produced by Dr. Sampathkumaran at the time of enquiry and it is therefore not possible to say what marks were actually given for the library note books and to what extent the marks of other class records were revised. The omission to produce the marks list suggests an adverse inference against the Professor in view of the narrow margin by which the candidate had obtained first class marks. Besides, Dr. Sampathkumaran has himself admitted that the candidate produced the note books of another student with his permission. The explanation offered is that he advised his son to do so just to show how the library notes were merely copied from text books and why much value and importance cannot be attached to the same. This is not convincing. Having entrusted the work of valuation to Assistant Examiners, Dr. Sampathkumaran should not have had any dealings with his son nor should he have instructed him to expatiate on the utility or otherwise of making notes of the kind

Mr. S.K.Narasimha Murthy, Lecturer, was entrusted with preparation work in the practical examination without the previous approval of the University and there is evidence to show that Alwar Iyengar along with others got illicit help from him during the practical examination. Besides, one Mr. Sampathkumaran (Nephew of Dr. Sampathkumaran) is stated to have been present in an adjoinin room and identified some slides that had been given to the students for identification and communicated the result through slips of papers, carried by a peon who was in attendance in the examination hall. He is also stated to have taken out sections of two bits of materials with a razor on the second or third day and sent them inside the examination hall through peons. This person had no particular work in the Botany Department at that time and was unconnected with the Department. There was no reason why he should have been in the room adjoining the examination hall, identifying the specimens and the slides except to give help to a candidate in the examination hall in whom he was interested & this candidate ~~which could be no other than his relative~~ no other than his relative, Alwar Iyengar ~~Alwar Iyengar.~~ There is evidence to show that Alwar Iyengar had cut his finger badly and this prevented him f-- attending to section work. If in spi of this, he has secured the highest marks on that particular day in

practical work, there is strong reason to believe that the section cutting done by Mr. Sampathkumaran and sent to the examination hall was for the benefit of Alwar Iyengar. It is stated that these malpractices were rendered possible owing to the absence of both the examiners from the examination hall or at any rate by the slackness of supervision and lack of efficient arrangements.

The answer books in theory papers of all the candidates who sat for this Botany (Hons.) Examination were sent for ~~xxxxxx~~ scrutiny to a referee, Mr. Koshi of the Travancore University. Mr. Koshi observed that, while the majority of the candidates have maintained a uniform standard in the answers to the different questions of each paper, the answers of Alwar Iyengar varied widely in regard to the quality and standard, and that in each answer paper, the answers to the first two or three questions were definitely of a high standard with prolific references to authors and previous work, than those attempted subsequently which were lacking in such references. This feature was stated to be peculiar only to Alwar Iyengar's answer books. It is explained that this may be due to the candidate having prepared well for some expected or probable questions. The fact that among all the candidates, it is only Alwar

Iyengar who was an average student throughout, that has been able to guess certain questions and to prepare thorough answers to the same giving scope to a reasonable suspicion that he should have had previou information of these questions. ~~His poor~~ From the performance of his student in the previous examinations it is seen that he had not displayed such ~~also lends support to this view~~. capacity before.

It is ~~seen~~ clear from the evidence that while the enquiry was being held, Dr. Sampathkumaran influenced the members of the staff and tutored them as to what evidence they should give at the enquiry. Dr. Sampathkumaran is stated to have dictated to Mr. Seshagiriah as to what he had to say before the Vice-Chancellor.

Mr. Narasimha Murthy has stated that Dr. Sampathkumaran had sent word to him through Mr. Seshagiriah two days before ~~the~~ his examination to "be prepared" and he wrote out a panel of questions and answers and took it to Dr. Sampathkumaran's house when further instructions are stated to have been given. ~~Dr. Srinath~~ Srinath one of the lecturers states that Dr. Sampathkumaran sent for him and warned that all talking about malpractice in the practical examination should ~~cease. The latter is also stated to have~~ said "we rounded off this time and everything will be alright". Such c ~~duct~~ on the part of a Professor is c

According to Dr Srinath, one of the lecturers, Dr Sampathkumaran is stated to have ~~said~~

It is evident from the above ~~from these statements~~ clear that Dr S has tried to influence his subordinates and to tamper with their evidence ~~influence~~

to grave objection.

Lastly the conduct of Dr. Sampathkumaran on the last day of his examination at the enquiry was far from satisfactory. His statements about his subordinates were very intemperate and he has also made serious insinuations about the methods alleged to have been adopted to get at the evidence. His behaviour toward the Vice-Chancellor was quite unbecoming and his attitude towards the members of the University Council objectionable.

The University Council have given following findings by a majority in rega to Dr. Sampathkumaran's conduct:--

(1) that they are not satisfied wit his maintenance of record of mark for class work;

(2) that they are not satisfied wit his procedure in putting Mr. Narasimha Murthy to assis in the practical examination;

(3) that they are not satisfied wit his attitude towards the University Council and the Vi Chancellor and

(4) that they are convinced that he interfered with the evidence his subordinates before the Vice-Chancellor.

The explanation of Dr. Sampathkuma has been obtained on the several omissio and irregularities. Even after cons deration of the same, in the light of evidence available, it is clear that Dr Sampathkumaran allowed his son to submi the library note books of another stu to the Assistant Examiner with his fa

knowledge, that he did not make efficient and satisfactory arrangements for the conduct of the practical examination, that his supervision as Chief Examiner was slack and ineffective, that he influenced his subordinates and tutored them as to what evidence they should give at the enquiry and that his conduct on the last day of his examination before the Vice-Chencellor was objectionable and not becoming of an officer of his standing and position. The manner in which Alwar Iyengar has answered some of the questions in the theory papers has given scope for a reasonable suspicion of leakage through him. Though there may be no rule or convention that he should have intimated to the University that his son was an examinee, ordinary prudence should have dictated that he should have done so especially as he was the Chief Examiner and was likely to revalue most of the papers. Such malpractices and incidents of an objectionable nature in the conduct of the examination in the University will not only affect the prestige of the University but also shatter the public confidence in the same. Government consider that the conduct of Dr. Sampathkumaran deserves suitable notice and therefore direct that he be retired and pension reduced by Rs.50 for two years.

The Vice-Chancellor is request

examine the arrangements for the conduct of the examinations and take necessary steps in consultation with the University Council to prevent the recurrence of such irregularities as have come to light in this and other similar cases.

Secretary to Gove:
General Department.

To

The Registrar, University of Mysore.
The Comptroller to Government,

Confidential.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Correspondence ending with the Vice-Chancellor's D.O. lett No. P.817 dated 10th February 1942 forwarding the explanation of Dr. Sampathkumaran in regard to the irregularities in the Botany (Hons) Practical Examination of 1941 and further D.O. letter No.P. 922 dated 16th February 1942 forwarding copies of certain correspondence between Dr. Sampathkumaran and others.

Order No: 3525-26/C.B. 202-41-1
Dated, Bangalore the 8th April 1942.

When the results of the B.Sc.(Hons) Examination of 1941 in Botany were under scrutiny by the University authorities, it was noticed that M. A. Alwar Iyengar, a candidate for this examination, who is the son of Dr. M. A. Sampathkumaran, Professor of Botany had secured first class marks. This aroused reasonable suspicion as the student was only of average ability, having secured an Ordinary pass in the S.S.L.C. Examination and III Class in the Intermediate Examination after having failed once. His result was with-held and after consideration of all the circumstances of the case, the University Council decided ultimately that an enquiry should be instituted regarding the conduct of the examination to find out if there were any irregularities or malpractices in respect of the same.

2. Accordingly the Vice-Chancellor conducted an elaborate enquiry and has submitted the connected records.

3. The main irregularities in the conduct of the examination as disclosed from the enquiry are briefly as follows:-

"Though Dr. Sampathkumaran was the Chief Examiner and had to value most of the papers, both in theory and practical, he did not intimate to the University that his son was an examinee and obtain instructions in the matter.

4. Candidate Alwar Iyengar produced before the Assistant Examiner Mr. K. N. Seshagiriah not only four library note books written by h but also eight note books of a second year Honour's student by name Bhaktavatsalam Naidu which were covered with wrappers on which the name of Alwar Iyengar was written. When Mr. Seshagiriah who value the note books questioned Alwar Iyengar, the latter is stated to have asserted at first that all the books were his, but later when the wrappers were removed and the name of the actual owner which wa written on the note books was shown to him, he began to give unsati factory explanations. Mr. Seshagiriah did not award any marks for the library note books produced by the candidate, and Mr. Rangaswam another member of the staff who had been asked to assist Mr. Sesha-giriah concurred with this valuation. The marks list signed by bo of them was sent to Dr. Sampathkumaran, who is alleged to have revised the valuation and given the student a few marks for the not books actually written by him after lowering the maximum for library notes from 15 to 10. The marks list sent by the Assistant Examine was not produced by Dr. Sampathkumaran at the time of enquiry and i is not therefore possible to say what marks were actually given fo the library note books and to what extent the marks of other class records were revised. The omission to produce the marks list suggests an adverse inference against the Professor in view of the narrow margin by which the candidate had obtained first class mark Besides, Dr. Sampathkumaran has himself admitted that the candidat produced the note books of another student with his permission. explanation offered is that he advised his son to do so just to sh how the library notes were merely copied from text books and why much value and importance could not be attached to the same. Thi not convincing. Having entrusted the work of valuation to Ass Examiners, Dr. Sampathkumaran should not have had any dealings his son nor should he have instructed him to expatiate on the u or otherwise of making notes of the kind.

5. Mr. S. K. Narasimha Murthy, Lecturer, was entrusted with p paration work in the practical examination without the previous

approval of the University and there is evidence to show that Alwar Iyengar along with others got illicit help from him during the practical examination. Besides, one Mr. Sampathkumaran (Nephew of Dr.Sampathkumaran) is stated to have been present in an adjoining room and identified some slides that had been given to the students for identification and communicated the result through slips of papers, carried by a peon who was in attendance in the examination hall. He is also stated to have taken out sections of two bits of materials with a razor on the second or third day and sent them inside the examinationhall through peons. This person had no particular work in the Botany Department at that time and was unconnected with the Department. There was no reason why he should have been in the room adjoining the examination hall, identifying the specimens and the slides except to give help to a candidate in the examinationm hall in whom he was interested and this could be no other than his relative, Alwar Iyengar. There is evidence to show that Alwar Iyengar had cut his finger badly and this prevented him from attending to section work. If in spite of this, he has secured the highest marks on that particular day in practical work, there is strong reason to believe that the section cutting done by Mr.Sampathkumaran and sent to the examination hall was for the benefit of Alwar Iyengar. It is stated that these malpractices were rendered possible owing to the absence of both the examiners from the examination hall or at any rate by the slackness of supervision and lack of efficient arrangements.

6. The answer books in theory papers of all the candidates who sat for this Botany (Hons) Examination were sent for scrutiny to a referee Mr. Koshi of the Travancore University. Mr. Koshi observed that, while the majority of the candidates have maintained a uniform standard in the answers to the different questions of each paper, the answers of Alwar Iyengar varied widely in regard to the quality and standard, and that in each answer paper, the answers to the first two or three questions were definitely of a higher standard with prolific reference to authors and previous work, than those attempted subsequently which

were lacking in such references. This feature was stated to be peculiar only to Alwar Iyengar's answer books. It is explained that this may be due to the candidate having prepared well for some expected or probable questions. The fact that among all the candidates, it is only Alwar Iyengar who was an average student throughout , that has been able to guess certain questions and to prepare thorough answers to the same gives scope to a reasonable suspicion that he should have had previous information of these questions.

7. It is clear from the evidence that while the enquiry was being held, Dr. Sampathkumaran influenced the members of the staff and tutored them as to what evidence they should give at the enquiry. Dr.Sampathkumaran is stated to have dictated to Mr. Seshagiriah as to what he had to say before the Vice-Chancellor. Mr. Narasimha Murthy has stated that Dr. Sampathkumaran had sent word to him through Mr. Seshagiriah two days before his examination to "be prepared" and he wrote out a panel of questions and answers and took it to Dr. Sampathkumaran's house when further instructions are stated to have been given. According to Dr.Srinath, one of the lecturers, Dr. Sampathkumaran is stated to have said "we rounded off this time and everything will be algiht". It is evident from the above that Dr. Sampathkumaran has tried to influence his subordinates and to tamper with their evidence. Such conduct on the part of a Professor is open to grave objection.

8 Lastly the conduct of Dr. Sampathkumaran on the last day of his examination at the enquiry was far from satisfactory. His statements about his subordinates were very intemperate and he has also made serious insinuations about the methods alleged to have been adopted to get at the vidence. His behaviour towards the Vice-Chancellor was quite unbecoming nd his attitude towards the members of the University Council objectionble.

9. The University Council have given the following findings by a majority in regard to Dr. Sampathkumaran's conduct:-

(1) that they are not satisfied with his maintenance of record o marks for class marks.

(2) that they are not satisfied with his procedure in putting Mr. Narasimha Murthy to assist in the practical examination;

(3) that they are not satisfied with his attitude towards the University Council and the Vice-Chancellor and

(4) that they are convinced that he interfered with the evidence of his subordinates before the Vice-Chancellor.

10. The explanation of Dr. Sampathkumaran has been obtained on the several omissions and irregularities. Even after consideration of the same, in the light of evidence available, it is clear that Dr.Sampathkumaran allowed his son to submit the library note books of another student to the Assistant Examiner with his full knowledge, that he did not make efficient and satisfactory arrangements for the conduct of the practical examination, that his supervision as Chief Examiner was slack a ineffective, that he influenced his subordinates and tutored them as to what evidence they should give at the enquiry and that his conduct on the last day of his examination before the Vice-Chancellor was objectionable and not becoming of an officer of his standing and position. The manner in which Alwar Iyengar has answered some of the questions in the theory papers has given scope for a reasonable suspicion of leakage through him. Though there may be no rule or convention that he should have intimated to the University that his son was an examinee, ordinary prudence should have dictated that he should have done so, especially as he was the Chief Examiner and was likely to value most of the papers.

11. Such malpractices and incidents of an objectionable nature in the conduct of examinations in the University will not only affect the prestige of the University but also shatter the confidence of the public in the same. Government consider that the conduct of Dr.Sampathkumaran deserves suitable notice and therefore direct that he be retired and his pension reduced by Rs.50/- for two years.

12. The Vice-Chancellor is requested to examine the arrangements for t conduct of the examinations and take necessary steps in consultation wi the University Council to prevent the recurrence of such irregularities

as have come to light in this and other similar cases.

Secretary to Government,
General Department.

To

The Registrar, Mysore University.

" Comptroller to Government through Financial Secretariat.

D.O.No.P. 796

3381/CB

UNIVERSITY OF MYSORE

CB 202-41-

Mr. E.G. McAlpine,
ce-Chancellor.

CONFIDENTIAL.

MYSORE

Dated, 11th April, 1942

Dear Mr. Imam,

I have just seen the Government Order No.3525-26/C.B. 202-41-1 dated 8th April 1942 regarding the retirement of Dr. Sampathkumaran. On page 4 of the Order received occurs the following:-

> "The answer books in theory papers of all the candidates who sat for this Botany Honours Examination were sent for scrutiny to a referee, Mr. Koshi of the Travancore University. Mr. Koshi observed that while the majority of the candidates have maintained a uniform standard, etc".

I should like to suggest for the consideration of Government whether it might not be desirable slightly to modify these sentences by the omission of phrase "Mr. Koshi of the Travancore University" at the end of the first sent and by the omission of "Mr. Koshi" at the commencement of the second sente The paragraph would then read as follows:-

> "The answer books in theory papers of all the candidates who sat for this Botany Honours Examination were sent for scrutiny to a referee outside the State. He observed that while the majority of the candidates have maintained a uniform standard, etc."

My reason for making this suggestion is that I think it would be undesi to mention the name of Dr. Koshi in the Government Order. The University of My has regrettably had on a number of occasions to send answer books for further nion to people outside the State. I think that it is possible that Dr. Kos and others in similar circumstances might not like their names to be mention in a punishment order of this kind, and, if names were published, it would p bably have the effect of making outside people, to whom we have to appeal in such matters, reluctant to be involved in such re-assessment of answer books The Order will in no way be affected or weakened by the omission of Dr. Kosh name, and I hope that Government will agree with me that as a matter of gene policy the omission is desirable.

his wishes have been met. To modify accordingly. JBH 12-4-42 C.B.

P.T.O.

I shall not communicate the Government Order to Dr. Sampathkumaran until I hear further from Government.

Yours sincerely,

E. M. Alpine
11/4/42

J. Mohamed Imam, Esq., B.A.,B.L.,

PROCEEDINGS OF THE GOVT. OF H.H. THE MAHARAJA OF MYSORE.

- - - - -

ORDER NO. 3654-55/C.B. 202-41-2

Dated, Bangalore, 16.9.42

The following shall be substituted for para 6 of the Govt. Order No.3525-6/C.B.202- dated the 8th April 1942:-

"The answer books in theory papers of a the candidates who sat for this Botany Exami tion were sent for scrutiny to a ~~xxxx~~ refere outside the State. He observed that while majority of the candidates have maintained a uniform standard in the answers to the diffe questions of each paper, the answers of Alwa Iyengar varied widely in regard to the quali and standard, and that in each answer paper, answers to the first two or three questions definitely of a higher standard with prolifi references to authors and previous work, tha those attempted subsequently which were lack in such references. This feature was stated to be peculiar only to Alwar Iyengar's answe books. It is explained that this may be du to the candidate having prepared well for so expected or probable questions. The fact i among ~~xxx~~ all the candidates, it is only Alv Iyengar who was an average student throughou that has been ~~xx~~ able to guess certain ques tions and to prepare thorough answers to the gives scope to a reasonable suspicion that h should have had previous information of thes questions."

15/9/42

Genl. ~~Chief~~ Secy. to Govt.

The Registrar, ~~High Court~~. Mysore university
The Comptroller.

Copy to Vice-Chancellor, with reference to his letter No.P.996 dated the 11th Apr. 1942

15th April

3656/C.B. Enc.1.

Dear Sir

With reference to your D.O. letter No.P.996 dated the 11th April 1942, I am desired to enclose for your information a copy of Government Order issued to-day modifying para 6 of the Government Order relating to the retirement of Dr. M. A. Sampathkumaran, Professor of Botany, Central College, Bangalore.

Yours faithfully

E. G. McAlpine, Esq., M.A., Dip.Edn.V.D.,J.P.,
Vice-Chancellor, Mysore University.

CONFIDENTI...

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read--

Correspondence ending with the Vice-Chancellor's D.O. letter No.P.485 dated 30th September 1941 forwarding the records of enquiry connected with the Botany Honours Examination 1941 and the resolution of the University Council recommending among other matters that Mr. S.K.Narasimha Murthy, Lecturer, Intermediate College, Bangalore, be reduced from Rs.150 to 125 and that he be disqualified from examinership for 6 years to come.

ORDER No. E 4384-85 ein 75-41-

Dated, Bangalore, 13th May 1942.

It has been brought to the notice of Government that Mr. S.K.Narasimha Murthy, Lecturer in Botany, Intermediate College, Bangalore, who was asked to do the preparation work and assist in the Botany (Honours) Practical Examination of 1941 gave illicit help to the students in connection with identifying specimens during the practical examination. He has admitted this in his own statement given before the Vice-Chancellor. There is also evidence to show that he took out specimens outside the examination hall during the hours of examination (practical) and showed them to persons unconnected with the examination. On account of these malpractices, it became necessary to hold a fresh practical examination, involving considerable expenditure to Government and inconvenience to candidates.

The conduct of Mr. Narasimha Murthy betrays utter lack of responsibility on his part and deserves severe notice Government therefore agree with the University Council and direct that Mr. Narasimha Murthy be reduced from Rs.150 to

to Rs.125 and he be disqualified from examinership for si years from 1943.

neral Secretary to Government.

To

The Registrar, Mysore University.
The Comptroller to Government, ~~through Finance Department~~.

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WD 169—GBPM—2,000—11-9-41.

University of Mysore

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Sri Krishnarajendra Silver Jubilee Technological Institute,
Bangalore.

First day. 24th July 1941.

At the outset the issue was considered whether Dr.Sampathkumaran was entitled to demand as he did in his letter dated 23rd/24th July 1941 that when he was examined, the members of the University Council, who it was proposed to assist the Vice-Chancellor in the enquiry, should not be present. Dr.Sampathkumaran offered all facilities for the enquiry and placed himself entirely at the disposal of the Vice-Chancellor for the purpose, but contended that the rules did not require that he should be examined either in the presence of, or by, the members of the University Council, since according to him the Vice-Chancellor was the executive head of the University.

The Vice-Chancellor did not agree with Dr.Sampathkumaran, and Dr.Sampathkumaran submitted that if he should be required to be examined in the presence of or by the members of the University Council it should be only after he had given a representation in the matter and orders on it were obtained from Government.

As this would have delayed matters, the enquiry of the first day was proceeded with, the question raised by Dr.Sampathkumaran being reserved for further consideration.

Ques. With regard to the class records has it been the practice not to give marks for them at the time the drawings or library notes or herbarium specimens or the slides were prepared?

Ans. Laboratory records(drawings are examined every week, but valued at the end of the third year for the purpose of the University and the preparation of slides are superintended either by the Professor or other members of the Department and valued at the end of the third year. Herbarium records are superintended at the time of the excursions either local or outside, by the members of the staff and valued at the end of third year. Library note books are inspected and valued only at the end of the third year.

Ques. Is there any indication on the records to show that they have been inspected or checked by the Professor or a member of the staff.

Ans. No.

Ques. How often then are the drawings inspected in the course of the year.

Ans. Practically every week.

Ques. Has the Department adopted the practice of leaving some indication on the drawings or other records to show that they have been inspected?

Ans. There is no special reason but the practice has been for last 20 years nearly not to mark the records.

Ques: What proof will there be for any Inspecting Officer or for the Professor himself to know that these records have been systematically inspected by the members of the staff?

Ans. I had no occasion to suspect anybody.

Ques: Does it mean that you have been checking the class records periodically?

Ans. I check the records of students from time to time.

Ques: Have you left any indications of your scrutiny?

Ans. No. Occasionally I sketch a new figure on the blank paper.

Ques: Could you from these records point out any such scrutiny?

(Dr.Sampathkumaran looked through the books and pointed out one or two sketches he had probably made in the note books of a student.

Ques: Has there been anything like consultation between the different departments in the college with regard to uniformity either in the inspection of records or their valuation?

Ans. No, nor has there been any uniformity even as regards the kind of records to be maintained.

Ques: You say in your letter of the 16th July that the library notes consisted merely of passages copied from the books or from the note books of other students. Was it the first time that this fact came to your notice?

Ans. No, It was noticed before, but this time it was insisted upon. I had allowed this because even copying would give them some additional knowledge.

Ques: How long is this copying in practice?

Ans. It was noticed by me about five years ago.

Ques. Was the proportion of marks allotted to the different kinds of records in the earlier years?

Ans. Laboratory records-50: Herbarium and slides- 25: Library notes-25: Subsequently the proportion allotted to library notes was reduced to 15, and this year it was reduced still further to 10.

Ques: Have you ~~xx~~ maintained in your Department any record of the marks given to students under the different heads?

Ans. No. As soon as the marks have been given the consolidated list is sent to the college office.

Ques. Is no register maintained in your Department.

Ans. No. It was considered unnecessary.

Ques. In your letter of the 16th July you say that you were waiting for instructions to forward your son's library notes. Is it your recollection that these notes were not asked to be sent earlier?

Ans. On the 2nd June the Vice-Chancellor asked me to collect the drawings and library notes from the students and have them ready. When the Registrar came on the 28th June the laboratory records of 4 candidates were made available. He did not ask for library notes. And, therefore, I did not give them. When the Vice-Chancellor asked for the notes of all the candidates, I felt awakward to ask the students and said the Refistrar might write to them and get them.

Sd.M.A.Sampathkumaran.

"Copy"

Second day. 25th July 1941

Dr.M.A.Sampathkumaran.

Ques. When was the first demand made to you to send library records?

Ans. A reference was made by the Vice-Chancellor on 28th June evening, during a telephone conversation but no demand was made to produce the note books.

Ques. Did not the Registrar on the 28th June in the afternoon tell you that the library records were wanted?

Ans. Yes.

Ques. Had you with you any of these records at the time?

Ans. None except my son's

Ques. When the records were wanted and you have your son's library notes with you, why did you not produce them?

Ans. My idea was that the records of all the students were wanted.

Ques. Therefore what step did you make to get the records of other students?

Ans. As I felt it awkward to demand the notes from the students I suggested to the Registrar to write to them directly

(I do not remember to have said "suggested to the Registrar to write to the candidates directly") Intd.M.A.S. 29-7-1941).

Ques. When you knew that all the class records were wanted including the library notes and you had with you on the 28th June your son's library notes, can you say that it was only after you received my letter of the 10th July that you had the first opportunity of making them over to the Registrar?

Ans. Your letter of the 10th July was received by me on the 12th July evening and this I reported to you same evening at the music time . On the 13th July, when I approached you and asked you whether I might send the note books and you ordered me to do so. Then I said I would send them on Wednesday after reaching Bangalore.

Ques. Does it mean that in the absence of the conversation on the 15th you refer to when you say you got instructions ~~from~~ for the first time to send the library notes, my letter of the 10th July by itself, or the previous references to the need for class records

being sent to the University, would not have made you realise that the library notes were also wanted?

Ans. I knew that they were wanted, but definite instructions to send them were given on the 13th. Since the letter of 10th July came to me in Mysore I had the opportunity of directly approaching the Vice-Chancellor, and obtained his orders. All the time I was under the impression according to the different talks, that the Vice-Chancellor would come and inspect them in Bangalore.

Ques. Then when the Registrar on the 28th June came to take possession of the class records under my instructions, you did not feel that you had to produce such library notes of candidates as were in your possession?

Ans. He did not ask for them, and I did not give them.

Ques. What did he ask you?

Ans. For laboratory records.

Ques. Did he say laboratory records or class records.

Ans. Class records.
(I remember to have said laboratory records: Intd.M.A.S. 29-7-1941).

Ques. Of how many members did the Board of Examiners consist?

Ans. Four, and two additional examiners.

Ques. How many papers in theory for specific parts of the examination were these students required to take?

Ans. Six.

Ques. How many different question papers were there for the Honours Examination in all?

Ans. Seven.

Ques. Were the examiners qualified to set any of these papers or value answer books in any subject?

Ans. Distribution was made on the best lines possible.

Ques. How many papers did you set yourself?

Ans. Two and a half (two to one set and two and a half to the other).

Ques. And how many papers did you value in the case of the group including No.163.

Ans. I set two papers and valued 5 papers.

Ques. In the case of other candidates, how many papers did you set?

Ans. In the case of one, Zoology as special subject; 2½ papers.

Ques. How many did you value?

Ans. Five papers.

Ques. Is this true of all the candidates?

Ans. Yes.

Ques. There is disparity between the number of papers you set and the number of papers you valued. Is this true also of the examiners of your Board or were you the only one who valued more papers than you set.

Ans. Dr.Raghavan valued more than what he set. He set one paper and valued four papers.

Ques. Any other examiner?

Ans. I set two papers and valued five in both cases.

Ques. Has it been usual in your Board for one examiner to value as many as five papers out of six or has this been exceptional this year?

Ans. On account of the introduction of the double valuation from last year and the composition of the Board, I had to take more papers for valuation. In the best interests of the students I had to do this.

Ques. Does your reference to the best interests of students means that this second valuation of the other papers could not have been entrusted to some of your other colleagues?

Ans. I was afraid that full justice might not have been done.

Ques. Did it not strike you that valuing as many as five papers of candidate No.183 might be misunderstood?

Ans. I was not thinking of the candidate, but I was thinking only of the efficiency of the examination.

Ques. So it never occurred to you the position might be misunderstood?

Ans. Not until the boy got high marks in the practical examination and also in the theory examination.

Ques. Did you take part in the practical examination yourself.

Ans. I set one of the papers and I was forced to value all the three papers.

Ques. Was this a joint valuation?

Ans. Yes.

Ques. What do you mean when you say 'you were forced to value'?

Ans. Because Dr.Raghavan was to leave immediately for his University, and this fact was duly reported to the Registrar.

Ques. Was the report made in writing.

Ans. No it was made orally

Ques. Therefore you valued as many as eight papers out of nine papers taken by the group of candidates in which No.163 figured?

Ans. Yes.

Ques. In the practical examination did you and your colleagues give marks separately or give a joint mark?

Ans. We gave a joint mark, but whenever there was difference between us, the different marks were averaged.

Ques. Was the difference recorded on paper or did you supply only the averaged marks to the University?

Ans. The average mark or the agreed mark is recorded on the paper.

Ques. What is the system of receiving question papers, discussing them and sending them to the University, that prevails in your Board?

Ans. The question papers are brought by the examiners to the Board meeting except where the examiners are not present at the meeting. This time Dr.Doraiswamy sent his papers beforehand. All the question papers are discussed at the meeting of the Board. The final papers are drawn up by the examiners themselves at the meeting. I cannot remember whether the papers were placed in envelopes and sealed then and there or later. I cannot remember also whether they were sent off to the Registrar, immediately or later. This can be verified. The originals and any notes made at the meeting are destroyed at the meeting itself or immediately after the meeting. If there is any interval between the meeting of the Board and the despatch of the question papers the packets are kept in my room under lock and key.

Sd.M.A.Sampathkumaran,
27-7-1941.

Third day. 26th July 1941.

Dr.M.A.Sampathkumaran.

Ques. Do these library notes represent three years' work?

Ans. Yes. I presume they are three years' work as they are asked to read from the beginning of the Honours class.

Ques. Is it possible, by looking at the books, to say whether the work was done in the first or second or third year?

Ans. It is possible. The dates on which he wrote cannot be stated.

Ques. Do you notice the disparity between the amount of library notes of candidate No.163 and of the other students?

Ans. Yes.

Ques. Are you aware of any reasons for the disparity?

Ans. When this question of appraising the library notes came up, I wanted the explanation from the candidate. He said that all the years he was using my personal library and it was not necessary for him to copy from the books. So he did not take notes unnecessarily.

Ques. What was the object in bringing out this comparison?

Ans. Just to show that it was not necessary for him to get from the books.

Ques. On his representation did you take any action in the direction of lowering the amount of marks allotted to library notes.

Ans. On his representation, and after consulting my colleagues I took action to lower the maximum from 15 to 10.

Ques. Was it not invidious that this action should be taken on the representation from a student whose own work, as the Department required, was incomplete.

Ans. The amount of work has not been definitely specified.

Ques. Although there was no special instruction as to the amount of notes, was it not understood that the students should refer to books in the Library from time to time?

Ans. Yes.

Ques. What is the evidence for such periodical reference to books in the library?

Ans. The register of the Department.

Ques. Is there any indication in the Departmentsl register that the candidate No.163 was in the habit of referring to books systematically like other students?

Ans. I cannot supply it now. From a reference to the library register information can be obtained, but I may add the student had access to my personal library.

Ques. Were you satisfied that he had been working systematically at reference books whether in the personal library or the college library.

Ans. He had taken books from my personal library. I think he must have been going it.

Ques. Did you get from your colleagues on the Board their marks lists directly.

Ans. They sent the detailed lists to the Registrar as directed, and they also gave me the marks for each paper as a whole when they came for the practical examination.

Ques. Did you also send as an examiner your detailed marks lists to the Registrar on the ~~prescribed~~ date?

Ans. Yes.

~~Ques.~~ ~~When~~ you were valuing the papers as a second valuer, were you aware of the marks ~~given by~~ the other examiner?

Ans. No.

Ques. Were there marks entered on the answer books when these were sent to you for second valuation in the case of papers you had not set?

Ans. No.

Ques. Were not the valuers of the different papers asked to send their marks in detail to the Registrar by a certain date?

Ans. Yes.

Ques. Can you remember the date.

Ans. I do not exactly remember.

Ques. Did you send your marks lists by the due date?

Ans. Yes.

Ques. Did you send your final(Chairman's) marks at a later date.

Ans. Yes.

Ques. When you valued the answer books as the second valuer were you in possession of the marks lists of your colleagues.

Ans. No I had definitely asked them not to give their marks lists until I finished my own valuation.

Ques. Therefore can you say definitely without any qualification that when you valued the answer books as the second valuer, you had no knowledge whatever of the marks given by your colleagues?

Ans. I can definitely say no.

Ques. When you were doing the practical examination were you aware then of the performance in the theory papers of the candidates?

Ans. On the first day of the practical examination I was in possession of the marks given by Dr.Raghavan and Dr.Doraiswamy.

Ques. What was the date on which you were required to send your own marks to the Registrar? Was it after the practical examination or before it?

Ans. The due date so far as I can remember the date by which each examiner had to send his marks register was to my recollection during the practical examination.

Ques. Did you finish your valuation of the papers allotted to you before the practical examination began?

Ans. Yes.

Ques. During the practical examination did you and your colleagues have any occasion to discuss the merits of students as revealed in the theoretical papers?

Ans. Dr.Raghavan remarked which of the boys had done well without giving tthe marks in detail.

Ques. Did he by any chance mention your son's number?

Ans. Yes. He also mentioned that No.164 was the best of the lot.

Ques. As regards the practical examination how are the peoblems set to the students and how did you divide the problems?

Ans. Same problems.

Ques. Are these problems settled before and if so how long before.

Ans. The general idea of the nature of the question paper of each day is settled before. The actual questions are framed after the specimens have been seen by the two examiners on the morning of the day of examination.

Ques. Who brings these specimens and under whose custody are they till the time of the examination?

Ans. (1) The Examiners bring some specimens.
(2) Specimens from Madras sent by my friends as railway parcel.
(3) Our senior assistants will be asked to bring some specimens.
(4) We ask the servants bring some specimens.

All these specimens are brought in a very confidential manner and placed in room on the morning of the examination. Then the examiners sit together and select the specimens for the day's examination and frame the questions and these are issued to the candidates at the time of the examination.

Ques. When you have made the selection does anybody besides the two examiners know which specimens have been selected before the time of the examination?

Ans. No. One of the senior members of the staff gets instructions a few minutes before the examination begins to mark them A.B.C.and distribute them to the candidates. These persons only mark the specimens,and will not be aware what questions are asked on the specimens.

Ques. When you tabulate the marks did you feel any surprise that No.165 got first class marks?

Ans. Yes. Even at the second practical examination when he scored the highest marks I was surprised at his performance.

Ques. ~~I thought~~ Why.

Ans. I thought he was not capable of securing such high marks.

Ques. Was this opinion based on the estimate of his capacity or your knowledge of his work.

Ans. On the estimate of his general capacity.

Ques. Did you consult anybody as to whether his first class should be allowed to pass or the marks lowered?

Ans. Yes.

Ques. Whom did you consult.

Ans. Prof.Sabhesan and also Dr.Manjunath.

Ques. What was the nature of the consultation?

Ans. I said this boy had got the first class and naturally people would immediately ascribe this because it was my son, and as I knew the boy was not of the first class capacity a few marks might be taken off to place him in the second class.

Ques. What did each reply.

Ans. Both of them protested against that procedure.

Ques. Did you consult anybody outside the Board of Examiners on the same subject?

Ans. No.

Ques. Are you quite sure?

Ans. Yes.

Ques. Before the results were announced by the University there was a talk that your son had got a first class. Can you explain how this possibly could have leaked out?

Ans. I am not responsible at all for that.

Ques. But, were you aware that this was talked about before the results were published?

Ans. I was not.

Ques. Between 12th and the 26th April were you aware that it was talked that your son got a first class?

Ans. It may be. I am not quite sure.

Exeept the addition in page one the rest are correct:

Sd.M.A.Sampathkumaran,
29-7-1941.

Fourth day. 28th July 1941.

Mr.K.N.Sochagiriah.

Ques. How long have youbeen seen in the Botany Department of the Central College?

Ans. Two years.

Ques. What is meant by class records in your Department?

Ans. Class records means records of practical work, drawings, herbarium, specimens, slides and library notes.

Ques. Are these class records examined periodically or at the end of the third year.

Ans. The practical records are examined from time to time - almost every day.

Ques. Herbarium specimens?

Ans. Herbarium specimens, the slides, and library notes are examined and valued along with the practical records once for all.

Ques. That is to say, during the course of three years, you only test or inspect the records of practical work and as regards specimens and so on, nothing is done?

Ans. The experiments are examined from time to time, so also the specimens and the slides are inspected in the course of preparation. Library notes are inspected and valued at the end of the third year.

Ques. Did you value the class records for 1940-41?

Ans. Yes.

Ques. How did you allot the marks between the different kinds of records?

Ans. 50 for the practical records, 20 for the slides, 15 for the herbarium and 15 for library records.

Ques. Have you given marks separately under these heads?

Ans. Separately under each head and these marks are entered by me on a sheet of paper and then handed over to the Professor.

Ques. You said you have valued the class records of all the six candidates. Did you immediately hand over the list of marks to the Professor or did you wait till Mr.Rangaswami also joined you?

Ans. I waited for Mr.Rangaswami's valuation.

Ques. Did Mr.Rangaswami make his own valuation separately?

Ans. No. I showed the list I had prepared and told him that he was at liberty to go through the marks independently, and then I drew his attention to some irregularities which I had discovered.

Ques. What were these irregularities?

Ans. A particular candidate had submitted the library records of another candidate, for which I had not awarded any marks.

Ques. Did you notice under other records of experimental drawings, slides and specimens any similar presentation of other people's work?

Ans. I did not notice.

Ques. How did you discover that any part of the library notes presented by him was not his own?

Ans. Because the name written on some of the library notes was not his.

Ques. Were these library notes of other student definitely presented as his own notes or brought to you for any other purpose?

Ans. When the books were presented, I was not in the college. I had left instructions with the attender to collect all the records whenever the students brought them and to keep them in the room.

Ques. How did you get the impression that these library notes of other students were meant to be passed off as those of the candidate in question?

Ans. The note books were covered by wrappers on which the candidate's name was written. The wrappers covered up the cover of the book, on which the name of the other candidate was written.

Ques. Then did you get the impression that the student did deliberately try to pass off as his notes the notes prepared by another student?

Ans. I cannot say whether it was deliberate or not. I wanted to make sure of the facts and sent word to the boy. He came and I asked him whether these books were his own.

~~Ques~~. He said they were his.

Ques. What did you do?

Ans. Then I opened the wrapper, and showed the name of the other candidate on the note books in question.

Ques. How many such note books can you say were presented?

Ans. About 8 or 10. Then he went on explaining, and his explanations were not satisfactory and convincing

Ques. Then what did you do about the matter?

Ans. Idid not award any marks for the library work.

Ques. Do you remember what marks you gave to the other records?

Ans. I am sorry I cannot remember.

Ques. Were the marks you gave recorded by you at the time?

Ans. Yes surely.

Ques. When you had finished the valuation of the class records of the candidates what was the occasion for Mr.Rangaswami's valuing them again.

Ans. The Professor of Botany asked him to go and help me.

Ques. Did you draw the attention of the Professor to the irregularity in regard to the library records of one of the candidates?

Ans. Not immediately.

Ques. Was it before or after Mr.Rangaswami was asked to assist you?

Ans. I did not draw his attention to any time specifically to this irregularity, but by giving no marks to the library records, I expected him to notice it.

Ques. Did Mr.Rangaswami also notice this irregularity?

Ans. Yes. He noticed and he concurred with my valuation and put up his signature to the marks list.

Ques. Was this marks list signed by both of you sent to the Professor?

Ans. Yes.

Ques. In that list had you given zero to the item "Library notes"?

Ans. Yes.

Ques. Did the Professor make any enquiry as to why you gave the candidate's library notes zero?

Ans. We sent the list of the Professor and both myself and Mr.Rangaswami were sitting in the room. On receiving the list, the Professor immediately came to us and then said "why have you given my son zero? he had shown the books to me." He said that much and went away. The we thought there was no use in doing anything further.

Ques. Do you know what happened to the marks list afterwards?

Ans. I do not know.

Ques. Did the Professor call for the records of the student from your custody?

Ans. No.

Ques. Do you know if the Professor went through the class records of the candidates in question after you and Mr.Rangaswami had valued them and sent your marks lists to him?

Ans. No.

Ques. Do you know if the detailed marks given by you are entered in a register or a copy is kept in the Department itself?

Ans. Not that I know.

Ques. Do you know if the lists sent by your Department to the College Office are filed in that office?

Ans. I do not know

Ques. Did you take any part in the practical examination of the Botany Honours in 1941.

Ans. Yes.

Ques. What was the part you took? Were you one of the examiners or did you assist the examiners in any way?

Ans. I was not an examiner, but I was appointed as Assistant examiner and I thought my presence in the examination hall would be necessary. The Professor of Botany used to come to the laboratory about 30 to 45 minutes before the examination, and I used to type the questions, and prepare the necessary number of copies for the candidates, and later I used to assist in the distribution of the specimens to the candidates for the Honours examination.

Ques. Does this typing of questions and distribution of specimens refer to the Honours Examination?

Ans. The typing of question papers referred both to Pass and Honours examination. I used to help in the practical examination of the Honours students.

Ques. Where was the practical examination held?

Ans. In the Botany practical hall - in one of the verandah rooms in the northern side.

Ques. Where is the M.Sc. room?

Ans. Just adjoining the practical hall.

Ques. Is it a fact that one Mr.M.A.Sampathkumaran used to be in the M.Sc.room when the examination was going on for the Honours students in the adjoining practical xxx hall?

Ans. I cannot say whether he was in that room, but he used to be moving about.

Ques. Had he any specific connection to the Botany Department?

Ans. I do not think he had any definite work in the Department. He was employed by the University to assist me in the Botany work in the L.M.P.class, but that work had ceased by the end of January 1941. At any rate he had no direct connection at the Botany Department during the examination time.

Ques. Then can you account for his presence in the Botany Deptt. when the examination was going on?

Ans. I do not know.

Ques. Are you sure he was in the Botany Department when the Practical examination for the Honours students was going on?

Ans. Yes. He was.

Ques. Do you know who the examiners were for the practical examination for the Honours work?

Ans. Dr.Sampathkumaran and Dr.Raghavan and Prof.M.S.Sabhesan.

Ques. Did all the three examine all the three practical examinations.

Ans. Usually two examined each batch, and I cannot remember which of these three examined the candidates.

Ques. Do you remember if Dr.Raghavan examined right through the examination or only a part of it.

Ans. I do now know.

Ques. You know the candidate No.163, that is Mr.Alwar Iyengar. Were you teaching him during the three years in the Central College.

Ans. Yes.

Ques. What is your opinion of his general form - was he a very good, medium or poor student?

Ans. An average student?

Ques. Did you during the two years you taught him think it like he would get a first class.

Ans. I cannot say.

Ques. Have you any information or impression as to the boy's general industry or habits of work?

Ans. He is intelligent but not hard working, but indifferent.

Ques. Will you look at these books of library notes, and tell r if these were the books you examined for the valuation purpose?

Ans. Yes.

Ques. Can you tell me how many other books were presented by the student as his own.

Ans. Eight or ten.

Ques. Do you happen to remember the name of the student whose books they were?

Ans. Bakthavasthala Naidu, a student then in the II.Hons.class.

Ques. Where is he?

Ans. He is now in the III.year Hons. class.

Ques. Did you have any occasion to speak to Bakthavasthala Naidu about the loan of his notes to No.163.

Ans. No. I thought it would be indiscreet on my part to make any enquiries

Ques. Are you aware what the final marks were which were sent to the College Office on the class records?

Ans. I do not know.

Ques. Do you remember the marks you gave to the candidate for the other records.

Ans. I cannot remember.

Sd.K.N.Seshagiriah,
Ag.Asst.Professor of Botany, C.C.

23-7-1941.

Fourth day. 26th July 1941.

Mr.K.Rangaswami.

Ques. How long have you been in the Botany Department?

Ans. Since 1923, with a break of about four years when I went to work under the Indian Cotton Committee.

Ques. Have you been taking Honours classes in the Central College?

Ans. I lecture to the Honours classes and do practical work only for the first year.

Ques. Does it form part of your duties to inspect from time to time the class records of students for the Honours Degree?

Ans. Yes.

Ques. What is meant by class records?

Ans. Record of practical work, slides, herbarium, specimens, and library notes.

Ques. Have you examined these records from time to time.

Ans. Yes; only the class reco

Ques. What do you mean by c

Ans. Practically every week.

Ans. Only the records of pratic work.

Ques. How often do you exami the

Ques. What does this mean,

Ans. I go through the drawings and see if they are correct.

Ques. Do you leave any indication on the records of the fact that you have gone through them?

Ans. Till now we have not put our signatures. We now and the draw roughly the correct figures on the interleaves

Ques. Did you take part in the valuation of the class records a whole for the Honours Examination of 1941?

Ans. I was asked to help Mr.Seshagiriah at the last moment.

Ques. Why,? Was any reason assigned? Did you get the instruc tions orally or in writing.

Ans. I did not get instructions either orally or in writing from the Professor himself.

Ques. Then who gave the instructions to you?

Ans. Mr.Seshagiriah asked me to go and help him

Ques. Did you help him on his requisition?

Ans. No.

Ques. Then when did you help him?

Ans. Finally when the word came from the Professor directly.

Ques. Was this oral or written?

Ans. Oral

Ques. Then what did you do?

Ans. I went to Mr.Seshagiriah's room and found by that time he had valued all the records.

Ques. Did he show his mark lists to you?

Ans. Yes.

Ques. Was this after your own separate inspection?

Ans. I did not go through the records myself, but accepted his valuation.

Ques. Then, what was the nature of the help you gave to Mr.Seshagiriah?

Ans. Practically nothing.

Ques. Did you sign the marks list prepared by Mr.Seshagiriah?

Ans. Yes.

Ques. Am I to understand you accepted these marks without going through the records yourself?

Ans. Yes.

Ques. Was this correct.

Ans. I do not think it was wrong.

Ques. Did you notice anything peculiar in his marks assigned by Mr.Seshagiriah to different candidates?

Ans. Yes. Against Mr.Alwar Iyengar's name there was no entry against library notes.

Ques. Was it a blank or was it given zero?

Ans. It was blank

Ques. Did you ask him for any explanation for this?

Ans. Yes.

Ques. What was his explanation?

Ans. He opened the books and showed me the name of Bakthavasthala Naidu.

Ques. Was this name to be found in all the library note books or only in some.

Ans. I noticed this name in a majority of books.

Ques. In a majority of books?

Ans. I should say I saw his name in all the library note books submitted by No.163.

Ques. Will you please look at these books in the name of Mr.Alwar Iyengar and say if you saw them at the time you went through the library records of students of 1941?

Ans. I do not think these books were among the books I looked through at the time of the valuation of the class records.

Ques. Then can I take it from you that your recollection is that none of the library note books produced by the candidate No.163 (Mr.Alwar Iyengar) were his own books, and all of them had the name of Bakthavathsal Naidu?

~~Ques~~. Ans. Yes.

Ques. Did this strike you as requiring some explanation from th candidate?

Ans. No.

Ques. Did you or Mr.Seshagiriah draw the attention of the Professor to this fact that Mr.Alwar Iyengar had produced library note books as his own, but which did not bear his name

Ans. We consulted together and put a zero in the list against the name of the candidate No.163 in the column 'Library notes', and submitted the list to the Professor.

Ques. Did the Professor make any comment on the fact that one candidate No.163 got zero for library notes?

Ans. He did not. He merely came and told us that he had see a few of the library note books of 163. We thought his attention would be attracted by the fact that No.163 got a zero, and he would enquire into the matter. We did not want to complain ourselves against the student particularly in this case.

Ques. Did you know that the Professor enquired into the matter?

Ans. I do not know.

Ques. Do you remember the other marks given to this candidate by any change? Chance

Ans. I do not remember.

Ques. Did you take the classes in which the student was during his Honours career?

Ans. Yes.

Ques. What is your estimate of this student's mental calibre and industry?

Ans. I found he had the intelligence of a first class student but he did not have the industry.

Ques. What he got a first class, did that confirm your judgement of his ability or cause you any surprise?

Ans. Caused a little surprise?

Ques. Did you know the results of this candidate before they were published by the University?

Ans. No.

Ques. Did you take any part in the practical examination?

Ans. No.

Ques. Did you go to the practical examination hall during the examinations this year i.e., 1941?

Ans. No. I was not well at the time.

Ques. About the practical records, do you remember the allotment of marks as between the four groups of Honours records?

Ans. 50 for practical work, drawings etc., 15 for library, 15 for specimens and 20 for slides.

Ques. Do you know if this is the same as in earlier years or was there any change?

Ans. I was told by the Professor that the marks allotted to library records have been gradually reduced.

Ques. Do you know at all what were the marks allotted to the library records in the earlier years?

Ans. No.

Sd.K.Rangaswamy,
29-7-1941.

Fourth day. 28th July 1941.

Mr. N.K. Narasinha Murthi.

Ques. Were you taking part in the honours work in the Central College for the last two years?

Ans. Yes.

Ques. What kind of work?

Ans. I was taking lecture classes for the second honours - one lecture and practical in the same subject, morphology.

Ques. Was it part of your work to look through the class records of the students?

Ans. I was looking through the class records in that subject.

Ques. When you inspected these class records, were you in the habit of putting initials and date?

Ans. We do not put our name or initials on these or any corrections in the drawings sheets.

Ques. Are these class records with the students or in the office?

Ans. With the students.

Ques. When they are submitted for valuation, what is the procedure?

Ans. I know nothing. It is not within my knowledge.

Ques. Did you have anything to do with the practical examination of 1941?

Ans. I was in charge of the preparation.

Ques. Were you one of the assistant examiners?

Ans. No.

Ques. Were you asked to assist the chief examiners in the preparation?

Ans. Yes.

Ques. What does this preparation actually mean?

Ans. To arrange these specimens and bring them and place them in the examination hall and ask for instructions of the examiners.

Ques. For how many days did the examination go on for the Honours candidates?

Ans. three days.

Ques. Did any chief examiner come to the examination hall at all?

Ans. Yes: two outside examiners.

Ques. Can you remember who came on the firstday, second day and the third day?

Ans. First day Dr.Raghavan and Dr.Sampathkumaran examined. Second day Dr.Raghavan went away and Mr.Sabhesan and Dr.Sampathkumaran examined the second and the third day.

Ques. During the practical examination who all were present at the hall?

Ans. The chief examiner and myself and three attenders.

Ques. Can you tell me if the attenders were in the hall right through or were they allowed to leave the hall and go out and come in again?

Ans. They were in the passage and came to the hall when sent for.

Ques. Was it possible for them to leave the passage and go outside and then come back?

Ans. I do not know.

Ques. Did you stay in the examination hall all the three hours?

Ans. No. Iwas there at the time the specimens were distributed It would take half an hour and then after taking the permission of the examiner go out for food or to the Intermediate College and come in again.

Ques. Apart from the examiners, were you the only member of the only member of the staff in the examination hall?

Ans. Yes.

Ques. Did it ever happen that you were left alone in the examination hall when the examiners were outside the examination hall?

Ans. No.

Ques. Are you quite sure?

Ans. Yes.

Ques. Do you remember if any person not connected with the college, other than a member of the staff or a student was found in the Botany Department during these three days.

Ans.. No, except Dr.M.A.Sampathkumaran.

Ques. Do you know why he was there at all?

Ans. He was teaching the L.M.P.class in Botany.

Ques. When did this work cease?

Ans. He was going to the Department in February and March 41.

Ques. Why did he come?

Ans. He has no specific work, but he was in the Botany Department.

Ques. Was it possible for him to know what specimens had been given to the students?

Ans. No. He could not know possibly.

Ques. Was he in the examination hall or nereby?

Ans. In the M.Sc.room.

Ques. You say you went out, did you see him outside and did you speak to him?

Ans. No.

Ques. Did any of the attenders go and speak to him?

Ans. No.

Ques. At what time were the specimens brought to the Professor's room?

Ans. I believe in the morning the specimens were brought to the Professor's room,and were given to me for distribution to the candidates at about 10 a.m.

Ques. Therefore did you not see them before the examination time?

Ans. No. there was no occasion to see the specimens before they were brought to the examination hall?

Ques. Was it possible for any one while the examination was going on, to assist the candidates from without?

Ans. Not possible.

Ques. Were you teaching the candidate No.163 Mr.Alwar Iyengar in your classes.

Ans. Yes.In the second year only.

Ques. Can you tell me what impression you formed about his ability and industry?

Ans. He is an average student, capable of doing well but not hard working. At the Intermediate classes I was his teacher for two years. He was doing well in Botany. He used to do well in the Intermediate classes.

Ques. I have been told that other students who failed in the Intermediate examination once or twice have got first class marks - is it so?

Yes. Yes.

Ques. Can you explain this?

Ans. People who have failed in the Intermediate Examination either in the English or in Elementary Mathematics have done well subsequently, and one of them Mr.Y. M.L.Sarma who failed in the Intermediate examination four times, got a first class in the M.Sc. Examination.

Sd.S.K.Narasimhamurthy,
Lecturer in Botany, Inter.Coll.B'lore.

29th July 1941.

Fifth day. 29th July 1941.

Mr.G.V.Bhakthavathsala Naidu.

Ques. Are you reading in the third year Botany Honours?

Ans. Yes.

Ques. Did anybody borrow your class notes of any kind last year?

Ans. Yes.

Ques. Who was it.

Ans. Many students.

Ques. Why is it that many students have been borrowing your notes.

Ans. Because they are considered to be the best.

Ques. Did your teachersremark to that effect?

Ans. Yes.

Ques. Were these borrowers of your notes your seniors or juniors?

Ans. All the students of the three years.

Ques. Can you mention the name of your seniors between 1940-41?

Ans. Yes.

Ques. What are their names?

Ans. Mr.Alwar Iyengar, Mr.Baliah.

Ques. Of the four kinds of class records what did they borrow?

Ans. They borrowed my library notes.

Ques. Were they not borrowing drawings, slides, etc.?

Ans. No.

Ques. Can you remember what part of the year Mr.Baliah borrowed your notes in 1940?

Ans. About December.

Ques. Can you remember how long he kept the library notes with him.

Ans. They used to take the notes from me now and then and I cannot say how long.

Ques. Can you tell me what part of the year Mr.Alwar Iyengar borrowed your library notes?

Ans. About December or January.

Ques. How long did Mr.Alwar Iyengar keep these notes?

Ans. He kept the notes for a long time.

Ques. Can you not say definitely?

Ans. ...

Ques. When did he last borrow your notes?

Ans. Somewhere about December or January.

Ques. When did he return them?

Ans. I got them back after the Examination. He kept the with him till the examination was over. That i till the first week of March and then I got the back about 10th March.

Ques. What wareyour preliminary examination subjects?

Ans. English, Second Language and Zoology.

Ques. Therefore had you no need of the notes for your examination?

Ans. No.

Ques. How many note books did you lend him?

Ans. I think about 7 or 8.

Ques. Have you got the books with you?

Ans. They are with me in my room.

Sd.G.V.Bhakthavathsala Naidu
30-7-1941.

Fifth day. 29th July 1941.

Dr. M.A. Sampathkumaran.

Ques: I have been told by the two members of your staff I examined yesterday that they sent you a list of marks they gave to the class records of the different students who appeared for the honours examination of this year. Is that so?

Ans: My remembrance is Mr. Seshagiriah showed me the list of marks awarded to the candidates.

Ques: Does itmean he did not give you the list but kept it with himself?

Ans; I do not remember.

Ques: Is it the practice then not to get from the valuers of class records a list of marks they have allotted, but merely to look at the list and then send your marks to the College Office?

Ans: We sit together, my colleagues and I and the final marks with their approval are sent. Till the year 1939 Mr. Narayana Rao and myself used to sit together and value all the records and then I used to sign the list and send that to the office. Even last year (1940) Mr. Seshagiriah and myself did the valuation and I sent the marks lists to the College Office. This year Mr. Seshagiriah, to a certain extent with the help of Mr. Rangaswami, valued the records and later had a meeting of these two people and myself and after re-valuation I sent the list to the office.

Ques: You just now said you sent the final marks after 're-valuation'. What does it mean?

Ans: The candidate No.163 did not present his library notes at first. This came to my notice and I sent word to the boy and asked him why he did not submit them. He said he had only a few, and showing some of the library notes of other candidates that he had with him he explained that they were merely copied from books or the notes of other students. I told him to take his as well as of the others that he had with him to Mr. Seshagiriah. Later Mr. Seshagiriah brought the award of the marks to the candidates and had left either a blank or given zero to the candidate 163 in respect of library notes. I told him that it was not fair not to give any marks to the said candidate. For the few books that he had produced he may be given some marks. Since the library notes of all the candidates is more or less copied from other books or notes the maximum may be reduced from 15 to 10. This was agreed to and we gave the candidate, I remember, 2 or 3 marks out of ten for this work. The five marks that were taken off of this part were added to herbarium and the awards under this item were changed i.e., new awards were made. (Intd: M.A.S. 29-7-41).

Ques: When the candidate 163 submitted at your suggestion his own notes and also the notes of other students, did he explain to Mr. Seshagiriah that he was placing before him two different lots of notes?

Ans: I hear he gave these books to the servant who placed them on the table of Mr. Seshagiriah. At the time that they were given to the servant, again I hear that Mr. Seshagiriah was not present ~~in his~~ in his room. So, there is no explanation that ~~s~~ could have been offered at the time of presentation.

Ques: That does not follow. Could he not have left a note?

Ans: He did not.

Ques: What was his intention in submitting the two different lots of books?

Ans: I myself had instructed him to submit the two and explain the nature of the notes that the other students had made.

Ques: Then why did he, as has been told us, cover the books of the other students with paper on which he wrote his own name?

Ans: ~~Ans:~~ I do not know. This was not brought to my notice at that time.

Ques: At least are you ~~are~~ aware that this was done?

Ans: I did not know. I heard of it only recently.

Ques: What would you infer from it?

Ans: I cannot say. So long as I knew what work he had done, I did not take any notice of the way in which the other books were presented. I knew they were not his and my assistants also knew they were not his. That is what I gather from them.

Ques: But did not the covering of the different note books with separate sheets with his name written on them suggest that the candidate wanted them to pass off those books as his own?

Ans: He could not have passed them off as his own. Because I knew the quantity of the work he had done from the number of note books he had shown to me earlier.

Ques: Did the persons who allotted the valuation work also know the amount of work he had done?

Ans: When I explained to them the number of the candidate's own note books they knew the quantity of work done by him.

Ques: Was this explanation given before or after Messrs: Seshagiriah and Rangaswami had valued the class records?

Ans: My explanation was given afterwards. I hear prior to my explanation the candidate himself had explained this to Mr.Seshagiriah that except a few all the books presented by him were not his own.

Ques: What was his purpose in presenting other people's note-books?

Ans: As I have already explained just to show Mr. Seshagiriah the nature of work that is done by the students of the honours class.

Ques: You said in your evidence earlier that you know at least a year ~~ago~~ or two before that your students were in the habit of copying from books in the library or from other's notes. Is it so?

Ans: Yes.

Ques: Was it not for you, therefore, to take necessary action in the matter of discounting such work and not allow the move to be made by one of the students?

Ans: For this reason we gradually Mr. Narayana Rao and myself reduced the importance of these. Since there might be a little use in writing down from the books we thought the boys might be permitted to do this but when they began to copying from other's notes I wanted to stop that, but did not do so this year.

Ques: That does not answer my question. Was it not for you as the head of the Department to take necessary action and not either allow or move a student to take the initiative?

Ans: It is a complaint.

Ques: And was the complaint made at your suggestion?

Ans: No. At his own suggestion.

Ques: Did you not say you asked him to take the 2 sets of books to Mr. Seshagiriah?

Ans: After he showed me the nature of the work done by other students.

Ques: At that stage when you were satisfied with the work done by student whose note-books you saw was not satisfactory, was it not for you as the head of the Department to take action you deemed necessary and not either ask or allow a student to bring the fact to the notice of your subordinate?

Ans: I should have done it myself. But at that stage I would not have had heart to deprive all the students of a few marks. It is only 15 in a hundred. I had no heart to deprive the students of a few marks. In fact it did not strike me at that time that we should completely abolish the practice just at that time, whether copied from books or from others. They had a pile of note-books.

Ques: Is it not a fact that the note-books of others than his own that your son sent to Mr. Seshagiriah were only those of a second year student?

Ans: At the time that he showed the books he had with him note-books of Bakthavathsala Naidu and of others.

Ques: Did you see for yourself the notes of Bakthavathsala Naidu?

ANS: Yes.

Ques: Were they also typical of the work done by the students in the class or were they good ones?

Ans: Fairly good.

Ques: It has been claimed for them that they are such good notes that students in the 3rd year and the 1st year were in the habit of borrowing them. Do you know anything about this?

Ans: After I heard about this episode I asked Bakthavathsala Naidu about this, and he told me that they were freely borrowed by others of 3rd year as well as 1st year.

Ques: Therefore would you agree that these notes are superior in character to the notes you have condemned?

Ans: I have in my possession a few letters of the students who have passed out this year, who say that their note-books have been borrowed by their friends. So it is not Mr.Bakthavathsala Naidu's books alone that were borrowed.

Ques: I did not say that. I was only comparing the work of his notes with the level of the notes you were saying were of a poor lot. Would they be superior to the average run of the notes in the honours class?

Ans: I cannot exactly say.

Ques: Am I to understand that this man's notes are copied from the notes of the preceding 3rd year student?

Ans: Very largely. Bakthavathsala Naidu admitted he had been copying from other's notes.

Ques: I understand your son borrowed them as early as December or January last and kept them with him till early March of this year. They must have been in that case useful to him.

Ans: I do not know anything about that.

Ques: Would you agree that when a man has been borrowing another's notes and keeping them with him for a long time, that shows some appreciation of the value of the notes?

Ans: I cannot say.

Ques: I put it to you, taking all these facts together, that when your son presented along with his own notes only the notes of this student, and it has been stated that the covers were wrapped up in separate papers with his name written thereon, the intention obviously was not to hold them up as bad notes, but something else?

Ans: I repeat that he could not have presented them as his own notes, since I knew what the work he had done. If he had the note books from December with him as stated above, he could have as well copied those notes and presented them as his own. So, I do not think there is the intention of deceit in this and I did not see that he had written his name on the cover of the note-books.

Ques: When did you inspect the note-books?

Ans: I had inspected them before I asked him to be shown to Mr.Seshagiriah and he had valued them?

Ques: Did you see them after they had been submitted to Mr. Seshagiriah and he had valued them?

Ans: It was not necessary for me to see them. Because I had seen the work of my son and the rest, it was not necessary for me to see them again.

SD. M.A. Sampathkumaran
31-7-1941.

Fifth day. 29th July 1941.

Mr.K.N.Seshagiriah.

Ques. Do you remember the distribution of class marks for library notes during the preceding years?

Ans. I think approximately the same.

Ques. We have been told that on account of the fact that these library notes were copied from those of other very good students and so the Department decided to give it a lower maximum this year, as compared with last year?

Ans. Yes.

Ques. What part of the year are this class records from the students collected in the Department?

Ans. Beginning of February. But this time I think it was at the end of January.
(I can't exactly remember the date)

Ques. How long did you keep these with you?

Ans. For about a week they were with me.

Ques. Do youkeep the specimens and also slides with you?

Ans. Yes.

Mr.Seshagiriah further made the following statement:

Since I have given oral evidence I request (~~item-4-in~~) the written statement sent through the Principal-in-charge may be considered as withdrawn.

Ques. Is it true that this boy Mr.Bakthavathsala Naidu has written the best notes in the class?

Ans. I cannot say that, but among the present III Hon's.students he is one of the best students and has made good notes.

Ques. He has told us just now that his notes were considered very good and therefore students in the III.year and the I.year Honours used to borrow from him his notes. Is this true to your knowledge?

Ans. I do not know.

Sd.K.N.Seshagiriah,
Ag.Assistant Prof.of Botany, C.C.

30-7-1941.

Dr. M.A. Sampathkumaran. Sixth day 30th July 1941

Ques: If your son's purpose was to show the notes of other students as not being what they should be, why did he take the notes of a second year student and not those of a class mate?

Ans: His intention might be enquired into when you examine him.

Ques: Was there a student by name Mr.M.A. Sampathkumaran in the College in recent years?

Ans: Yes.

Ques: When did he graduate?

Ans: Recently.

Ques: When did he pass M.Sc.,?

Ans: I cannot remember. Either 1939 or 1940. I will furnish the information later.

Ques: Was he a student or a member of the staff during 1940-41?

Ans: For three months he was working as a Demonstrator in the Medical School.

Ques: Where did he take his classes?

Ans: He was takig his classes in the Botany laboratory.

Ques: Was his work in the Central College?

Ans: Yes.

Ques: When did his work for this class finish during 1940-41?

Ans: It must be by the end of February. That information will be given later. (From November 18, 41 to Febry: 28, 1941).

Ques: I want to know whether he had any work in the Department in March when the honours examination was going on?

Ans: I do not think he had any work during the practical examinatic in honours - Botany.

Ques: We have been told he was present during those days in the Botany Department; can you say why?

Ans: So many people who have passed M.Sc.,come to the Department. But strict instructions had been issued that no one who was unconnected with the examinations would be allowed anywhere near the examination hall and I personally saw that these were carried out.

Ques: Why?

Ans: Either to help M.Sc.,students or to cut the sections and prepare slides of the Department. Many past students of the department come to see various members of the staff. He might have come to see Mr.Seshagiriah under whom he was working.

SD. M.A. Sampathkumaran,

6th day. 30th July 1941.

Mr.M.A.Alwar Tirumala Iyengar.

Mr.Alwar Iyengar, I propose to ask you a few questions with regard to your candidature at the last Botany Honours Examination. Please answer these questions as carefully and accurately as you can remember.

Reply of Mr.Alwar Iyengar.

Sir, you are responsible for my present state of mind. I am unable to answer the questions. If you will kindly send me the questions in writing I will furnish the answers promptly. I am extremely sorry. Please allow me to go.

Sd.M.A.Alwar Thirumaliengar.

5th August 1941.

In asking questions of the persons who appeared before me, and examining the available records, I have tried to get adequate and reliable data to answer the following questions:-

Was the Botany Honours Examination of 1941 conducted with full regard to the rules and proprieties that should regulate the conduct of University Examinations; or, was there in any respect a deviation from them, and if so, what were its nature and measure?

The possibility of such deviation arose from the fact that the son of the Chairman of the Board of Examiners was one of the candidates. This possibility gained colour from the fact that the said candidate who scored a first class was reported to be of average intellectual calibre, as was indicated by the fact that his performance in the Intermedicate Examination, class examinations, and the B.Sc., Honours preliminary was either average or not much above average, in any case not first class.

I did not make it my task to enquire at the outset, from the other end viz., whether there had been irregularities. The distinction may appear subtle, but I wanted to proceed on the assumption that a Professor of the standing of Dr. Sampathkumaran ought to be trusted to maintain the integrity of our examinations, and was not likely to be influenced by personal considerations.

The stages at which there might have been deviation from strict regard for rules and proprieties are the following:-

I. The submission and valuation of class records;
II. Preparation and scrutiny of question papers by the Board of Examiners and their despatch to the Registrar;
III. The valuation of the answer books; and
IV. The conduct of the Practical Examination.

I. Submission and valuation of class records:

Students in Botany and other science subjects are expected to maintain records of their work during the 3 years, and in the case of Botany the records fall into the following grounds:-

(a) records of work in the practical classes viz., drawings,
(b) herbarium specimens collected on excursions in the State and outside,
(c) slides prepared from time to time, and
(d) notes of work done in the library or with books borrowed from the library.

It has been ascertained that these records are valued only at the end of the 3rd year, some time before the University Examinations are held. It was stated that the drawings, the herbarium specimens, and the slides were examined from time to time, although no marks were given, nor was any indication given, on the inspected records that they had been inspected. It was said, however, that an indication of the drawings being inspected was drawings by the inspecting teacher to show the correct drawings to the student on the blank leaves between the drawing sheets. The library notes were inspected only once, at the end of the 3rd year when they were evaluated. Class records carry a maximum of 100 marks, and this used to be distributed in the proportion of 50 for drawings, 25 for herbarium specimens and slides, and 25 for library notes. Latterly the proportion allotted to library notes had been reduced from 25 to 15 and this year the Professor said it had been reduced to 10, while Messrs: Seshagiriah and Rangaswami stated that it was 15. There is no means of verifying this since the list furnishe to the College office for transmission to the University gives only the total marks only for the complete maximum of 100.

The marks assigned in the case of each student separately to each kind of class records mentioned above were this year entered by Mr.K.N. Seshagiriah on a list signed by him and by Mr. K. Rangaswami, another member of the staff of the Botany Department, and given to Professor Sampathkumaran. The list, however, is not traceable, and Dr. Sampath-

Dr.Sam/athkumaran in his evidence could not say whether he took the list from his Assistant or after merely looking at it, prepared his own list of final marks for despatch to the University thtrough the college office. He also said that no register of the marks assigned to the class records was maintained in his Department because it was considered unnecessary. It is also learnt that the class records other than herbarium specimens and slides which are in the custody of the Department, viz., drawings and library notes are brought to the Department by the candidates a month or so before the University examination begins, and they are duly valued by a member of the staff and by the Professor.

This year the six candidates for the final honours examination in Botany submitted their records to the Department, and it was stated that this meant as a matter of fact that the books of the several candidates were handed over to an attender who placed them in the room of Mr.K.N.Seshagiriah, who had been assigned the work of valuing the records, but who happened to be absent at the time these books were placed in his room. Mr. Seshagiriah valued the records duly allotting the marks between the different kinds of records in the preparation of 50 for drawings (Practical records) 20 slides, 15 for herbarium specimens and 15 for library notes. Mr.Rangaswami had been told off to assist Mr.Seshagiriah, but evidently there was some hitch in the matter, and Mr.Rangaswami did not help Mr.Seshagiriah on the latter's requisition only, but waited till he got oral instructions from the Professor directly. Mr.Seshagiriah showed the list of marks he had prepared to Mr.Rangaswami, and told him that he was at liberty to go through the records independently, and drew his attention to some irregularities which he had discovered. A particular candidate had submitted along with his own the library notes of another student. He did not notice under other records any similar presentation of other people's work. He discovered that a part of the library notes presented by this candidate was not his own, because the name written on some of the library note books was not his. These note books were covered by

wrappers on which the candidate's name was written, but the wrappers concealed the cover of the book on which the name of the other candidate - was written. The candidate was sent for, and Mr. Seshagiriah asked him whether these books were his own. He said they were his, upon which - Mr. Seshagiriah opened the wrapper and showed the name of the other student on the note books in question, about 8 or 10 in number. The student who had presented the note books went on explaining and his explanations were not satisfactory and convincing. Mr. Seshagiriah did not award any marks for the library work. Mr. Rangaswamy, who was asked to assist Mr. Seshagiriah in the valuation of the class records did not go through the records himself, but accepted the valuation of Mr.Seshagiriah. He noticed that against the name of Mr. Alwar Iyengar (candidate No. 163) there was no entry under library notes. Mr. Rangaswami asked Mr. Seshagiriah for an explanation, and Mr. Seshagiriah opened the books and showed him the name of Bakthavathsala Naidu. Mr. Rangaswami is not sure whether he saw the name of Mr. Bakthavathsala Naidu in all the books or in a majority of books. He was shown at his examination by me the 4 note books bearing the name of Mr. Alwar Iyengar and was asked whether they were among the library note books he saw. His answer was he did not think these books were among the books he looked through at the time of the valuation of the class records. His recollection is further that none of the library note books produced by the candidate No.163 were his own books and all of them had the name of Bakthavathsala Naidu. This did not strike him as requiring some explanation from the candidate. Mr. Rangaswami concurred with Mr. Seshagiriah in putting zero in the list against the name of the candidate No. 163 in the column "library notes", and the list was submitted to the Professor. The Professor's reaction to this is differently described by Mr. Seshagiriah and Mr. Rangaswami. Mr. Seshagiriah says that on receiving the list the Professor immediately went to where Mr. Seshagiriah and Mr. Rangaswami were sitting, and said, "why have you given my son zero? He had shown the books to me".

On the other hand Mr. Rangaswami's statement is that Professor Sampathkumaran came and told them that he had seen a few of the library note books of No. 163. Mr. Rangaswami thought the Professor's attention would be attracted by the fact that No. 163 got a zero and that he would enquire into the matter.

Professor Sampathkumaran's version of the incident is as follows: "This year Mr. Seshagiriah, to a certain extent with the help of Mr.Rangaswami, valued the records and I later had a meeting of these two people and myself and after re-valuation I sent the list to the office." When asked to explain what he meant by "re-valuation", he answered as follows:- "The candidate No. 163 did not present his library notes at first. This came to my notice and I sent word to the boy and asked him why he did not submit them. He said he had only a few, and showing some of the library notes of other candidates that he had with him he explained that they were merely copied from books or the notes of other students. I told him to take his as well as of the others that he had with him to Mr. Seshagiriah. Later Mr. Seshagiriah brought the award of the marks to the candidate 163 in respect of library notes. I told him that it was not fair not to give any marks to the said candidate. For the few books that he had produced he may be given some marks. Since the library notes of all the candidates is more or less copied from other books or notes the maximum may be reduced from 15 to 10. This was agreed to and we gave the candidate, I remember, 2 or 3 marks out of ten for this work. The five marks that were taken off of this part were added to herbarium and the awards under this item were changed i.e., new awards were made."

It would appear according to Dr. Sampathkumaran that (1) he was aware that his son was sending along with his own library notes library notes of another student; (2) this was done to invite the attention of Mr.Seshagiriah

to the fact that these library notes were of no special significance - since they consisted of passages copied from books or other students' notes; (3) although Professor Sampathkumaran had been aware for about 5 years that this practice of passing off as one's library notes either extracts of books or passages copies from other note books was in existence, he took no action either to stop the practice if he thought it pernicious or useless, or to lower the importance attached to it till this year (he says, however, the proportion of marks assigned to library notes was reduced even last year from 25 to 15, while this year a further reduction was made from 15 to 10). What requires to be explained is why as the head of the Department, he did not himself look into the matter, and devise such remedial measures as might be necessary, instead of asking his son to submit to his assistant, Mr. Seshagiriah the notes of another student as an example of the futility of such notes. Nor did he explain why the candidate in question tried apparently to pass off the notes as his own, as is suggested by the fact he covered up all signs of the true authorship of the notes by wrapping up the covers and entering his own name on the wrappers. Mr. Bakthavathsala Naidu, the writer of the borrowed notes in question said that his notes had been appreciated by his teachers and also by his class mates and others, the latter of whom paid to him the compliment of borrowing the notes. The candidate No. 163 borrowed them and kept them for a long time. The conclusion is obvious that the notes were useful to him, and he could not have presented them as an example of something that had to be avoided or eliminated. When the marks lists for the class records was shown to Dr.Sampathkumaran, he does not seem to have gone into the question, but enquired why the candidate was given zero at all, and apparently merely assumed the zero was given because the student had presented no (or few) note books. For, according to Mr. Rangaswami, he seems to have said he had seen a few of the library notes books of No. 163. The 2 or 3 marks out of ten are evidently to be assumed to have been given for the note books he presented

The mark given to this candidate in the list sent to the College and the University is 58, but there is no way of ascertaining what was the exact degree of revaluation, and neither Mr.Seshagiriah nor Mr-Rangaswami was able to tell us what the original mark was. And the list signed by them is not forthcoming.

It is difficult to accept the explanation of Dr.Sampathkumaran, and the conclusion is warranted that the candidate No.163 did attempt to pass off the notes of another student as his own. It is true that the benefit he would gain by this attempt was comparatively little. The maximum 10 or 15 is less than 1/100th of the total marks, but the malpractice cannot, on that account be ignored. In this connection attention has to be drawn to the refusal of the candidate No.163 to answer questions orally, and his desire to have the questions to be given to him in writing.

II.Preparation and scrutiny of question papers by the Board of Examiners and their despatch to the Registrar.

Under this head has to be examined the possibility whether the complete secrecy in respect of the question papers which is enjoined on all examinaing boards was observed. According to the defails given by Prof.Sampathkumaran, there is not much time lag between the receipt of question papers, their scrutiny by the Board and their despatch to the Registrar, nor does it appear that the custody of these papers offered any scope for leakage. The papers were kept in the almirah of the Professor in the Botany Department, when they had to be retained by him. The first draft of the paper and any correction slips are all said to have been destroyed promptly. There seems to be, therefore, no reason to hold that there could have been any involuntary violation of the secrecy attached to the work of the Board of Examiners. The only

other possibility, which has to be mentioned without suggesting its occurrence, is that there might have been a voluntary leakage. That is to say, the Chairman might have revealed the questions to any one in whom he was interested. It is hard to believe that one of Dr.Sampathkumaran's standing would be guilty of such a practice. In order, however, to make the enquiry complete by examining all possible, however remote and unlikely, ways in which a candidate could have benefitted illicitly, all the answer papers of all the six candidates were sent to a Professor of Botany who was in no way connected with the examination of 1941, and he was requested to go through them and report whether the answers of any candidate indicated that he had a knowledge of the questions beforehand. It will be seen from the copy of the letter received from the gentleman in question that there is no clear indication of any previous information regarding the question in the answers of any candidate. He goes on to add, however, that while the majority of candidates have maintained a uniform standard in the answers to the different questions of each paper, the answers of candidate No.163 appear to vary widely in regard to quality and standard. In each answer paper of this candidate the answers to the first 2 or 3 questions are definitely of a higher standard than those attempted subsequently. There are numerous references to authors and previous work in the answers to certain questions, while certain others are not only lacking in such references but are of a lower standard. The referee goes ~~for xxxx~~ to add that this may be due to his having been well prepared for some expected or probable questions. It is of course a fact that students are generally in the habit of preparing answers for likely questions, and this may well have been so in the case of the candidate in question. In any case no positive conclusion can be drawn from a scrutiny of the answer papers, that candidate No.163 had access

to inside information as to the questions that had been set in the papers for the Botany Examinations of 1941.

III. Valuation of answer books.

Each candidate had to answer 6 papers on theory, and each of these papers were valued by two examiners. Dr.Sampathkumaran set 2½ papers including ½ paper in the case of those who took Zoology as a special subject. He put himself down as the second valuer for three more papers. That is to say, he valued either as first valuer or as a second valuer answer books of five papers out of six. It is found that candidate No.163 gets first class marks in four papers out of six, and a second class mark in one paper and a third class mark in another. The marks given by Prof.Sampathkumaran are consistently lower than those of his fellow examiner, Mr.T.S.Raghavan in three papers. In the fourth paper which he valued along with Mr.M.S. Sabesan his total mark is lower than his colleague, but his colleague has given no detailed marks so that no comparison can be made of the marks, question by by question. In the paper he valued with Dr.Manjunath the candidate gets 31 marks at the hands of Dr.Sampathkumaran (one part only) and 16 marks at the hands of his colleagues (the other part). In the paper valued by two examiners other than Dr.Sampathkumaran the candidate gets 54 marks. No candidate gets first class marks in this paper, however. There is something striking about the symmetrical shortage of marks as given by Prof.Sampathkumaran in comparison with the marks given by his colleagues in the 3 cases, where detailed marks are available. From Dr.Sampathkumaran's statement, however, it is learnt that he had no knowledge of the marks given by his colleagues who more over sent him only the total marks and not the marks question by question. He also stated when he appeared before me that he had asked his colleagues who had brought the answer books and their marks lists to Bangalore when they came for the practical

examination, not to show him their marks till he had finished his valuation. It has to be pointed out, however, that he had seen their marks (totals) before he sent his own to the Registrar. In the absence of any positive evidence to the contrary there can be no suggestion of biassed valuation.

IV. The conduct of the practical examination.

The practical examination consists of three papers, and the examinats were Dr.Raghavan, Prof.Sampathkumaran and Prof.Sabesan, and they examined on different days, two of them each day. Each of them, was to have examined and marked at two of the practical examinations. It would appear that Dr.Raghavan who examined on the first day with Dr.Sampathkumaran had to leave before he would take the next practical examination, so that his work also fell on Dr.Sampathkumaran , who, therefore, was one of the examiners for each of the three practical papers. The details given by Dr.Sampathkumaran regarding the manner in which the practical examination was conducted, specimens were obtained and selected, and questions were set, do not suggest that there could have been any leakage in regard to any of them. It is seen that candidate No.163 has done exceedingly well in the practical examination getting 201 out of 300)second highest mark), whereas in the theory papers he falls short of a first class mark by three marks. Dr.Sampathkumaran himself was surprised not onlyat the first class obtained by the candidate, but also at his standing first in the second practical examination(75 out of 100). The question that has to be considered is whether the candidate did get first class marks entirely on his merits, or ~~received any~~ adventitious aid-. It does happen that students who do not do well in the written papers come out with flying colours in the practical examination and the opposite is also true.

For the possibility that the candidate might have been helped illicitly in the course of the practical examination, there is no proof, and Mr.Narasimhamurthy was emphatic in his statement that there was no chance for any such help being given to the candidate. The two examiners were always in the room, or at the entrance of the adjoining room, and he himself was in the hall most of the time. Therefore, if we rule out the probability of the student having a special mental spurt during the practical examination, and also the other possibility, that he received some illicit help in his practical examination, there is another possible explanation for his scoring such high marks. Dr.Sampathkumaran was one of the two examiners who valued the work of the candidate, and it is seen that the two examiners gave a joint mark. There is a possibility that the external examiner might have been influenced in his appraisal of the results of the candidate No.163 by the fact that the candidate was his colleague's son. Without suggesting that anything of the kind happened, it must be set down as a serious error of judgment that Dr.Sampathkumaran should have placed his colleague and himself in so equivocal a position.

Report of referee on the answer books of the six candidates for the Botany Hons.Examination of 1941, dated the 23rd July 1941.

With reference to your Confidential letter of 4th July 1941, I have the honour to make the following observations in regard to the answer pape forwarded for examination:

1. There is no clear indication of any previous information regarding the questions, in the answers of any candidate.

2. While the majority of candidates have maintained a uniform standard in the answers to the different questions of each paper, ~~the answers to the different questions of each paper~~ the answers of candidate No.163 appear to vary so widely in regard to quality and standard that I should draw special attention.

3. In each answer paper of this candidate the answers to the first two or three questions are definitely of a higher standard than those attempted subsequently. Special mention of this fact is made because of the prolific references to authors and previous work to certain questions while certain others are not only lacking in such references but are of low standard. This may be due to his having been well prepared for some expected or probable questions. But how far even this could have been due to previous information on some of the questions for the examination it is not easy to say from a scrutiny of his answer papers.

The answer papers are returned in a separate packet.

(1) Letter dated the 18th May 1941, from Mr.M.A.Alwar Thirumaliengar, to the Registrar, University of Mysore.

I beg to acknowledge receipt of your Memorandum No.29589 dated 16th May 1941, sent through the Principal, Central College, in reply to my letter of 27th April 1941, informing me that as the University is not satisfied with the conditions under which he (I) was examined it is proposed to examine him(me) again.

I beg that I may be permitted to express my distressed surprise at having received such a reply. So far as I have been able to know I have undergone the B.Sc.Hons.examination under exactl the same conditions as the other candidates; and I am not aware of my havingbroken or acted against any of the rules governing the examinations of the University. I cannot imagine that the University could have meant to apply to me a set of conditions different from those applicable to the other candidates. I am, therefore, utterly unable to understand how or why the University is dissatisfied with the conditions under which I was examined. If there had been anything to be urged against the manner of my examination it might have been communicated to me and my explanation obtained thereon.

I beg to submit that my case has been unnecessarily treated in an exceptionally harsh manner. The University has no doubt offered me the opportunity of sitting for a special examination. But I may permitted to point out that this seeming concession involves a grievous hardship to me in the present state of my feeling caused by the decision of the University. For no fault of mine I have been made to pass through mental anguish for many days, and I pray that in consideration of the above points the University may graciously be pleased to reconsider its decision and afford me relief by publishing my result in the examination for which I have already sat.

For this act of kindness I shall ever remain grateful to the University.

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(2). Letter No.Con.366, dated the 4th July 1941, from the Registrar, University of Mysore, to a referee.

I am desired to forward by separate registered post a packet containing the answer books of the B.Sc.Hons.Examination, Final, 1941, of candidates bearing Reg.Nos.163 to 168, together with the practical answer books, and to request you to go through them and let me know as early as possible whether the answers of any candidate indicate that he had a knowledge of the questions beforehand.

The matter may be treated as strictly confidential.

(3) D.O.letter No.Ø P.68, dated the 10th July 1941. from the Vice-Chancellor, University of Mysore, to Dr.M.A.Sampathkumaran.

With regard to the enquiry in the matter of the last Honours examination in Botany, I am writing to request that you will be good enough to obtain from your Assistant or Assistants who valued the class records of the candidates for the examination in March 1941, a written statement giving the following details:

1. The kind of class record of each candidate they valued

2. Whether their records related to the first, second or third year of the course or all the three years;

3. What marks they gave to the records and on what basis;

4. Whether they had in any case any prima facie grounds to feel that the records submitted were suppressed and were not the work of the candidate concerned;

5. If there was any such ground, whether they took any action to get the matter enquired into.

You will be coming to Mysore, I presume tomorrow that is the 11th instant, and should this letter reach you before you leave, I shall be obliged if you will give instructions to the concerned member or members of the staff to prepare this report and sent it to me direct as early as possible.

I shall be glad also if you will kindly let me have the office copy of the marks list which you said last time should be available. Further I shall be glad if you will let me know how you yourself as Professor of Botany dealt with the valuation statement prepared by your Assistant or Assistants, and whether you accepted the valuation, or made your own valuation. In the latter case, how was the difference, if any, dealt with? I shall be glad to have a full note on the subject so that the matter may be enquired into in further detail.

You have not told me yet whether you have been able to obtain the library work records of the candidate concerned. If the candidate is not able to produce the record yet, please let me have from him his reason therefor in writing.

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(4) Letter dated the 16th July 1941, from Dr.M.A.Sampathkumaran, to the Vice-Chancellor, University of Mysore.

With reference to your D.O.No.P.68, dated the 10th July 1941, which I received in Mysore at 5.45. p.m. on the 12th instant I am herein enclosing the written statements called for.

From representation received from one of the candidates (my son) I noticed that the "Library notes" consisted merely of passages copied from books or from the note books of other ~~student~~

I, therefore, convened a meeting of the valuers and modified with their consent the basis of valuation as under : Laboratory records 50, Herbarium 20, Slides 20, Library notes 10. The final valuation was done jointly by myself and Messrs. Seshagiriah and Rangaswamy.

Concerning the last paragraph of your letter I may be permitted to state that the library notes of my son have always been in his possession and I was waiting for instructions to forward them to you. I am now taking the earliest opportunity of sending them to the Registrar by registered post.

5) D.O.letter No.P.102, dated 23rd July 1941, from the Vice-Chancellor, University of Mysore, to Dr.M.A.Sampathkumaran.

I propose to proceed further with the enquiry in connection with the last Honours Examination in Botany. I shall be glad if you will kindly meet me at the Silver Jubilee Technological Institute tomorrow morning at 9 a.m. I shall then furnish you with a list of points on which I should like to have your views, and also a list of other persons whom I would like to examine.

I shall be glad, however, to know tomorrow morning on what basis the number of marks allotted to class records was distributed in the previous years between the different kinds of records.

I have received the mark lists sent by you with your letter of the 22nd instant. I find that the marks for the Botany Honours students are given as one mark and the distribution is not shown as between the different kinds of class records. I presume you have in the Department of Botany a record of such assignment. That record not only for this year but also for the preceding five years may kindly be brought with you.

(6) D.O.letter dated the 23rd/24th July 1941, from Dr.M.A. Sampathkumaran, the Vice-Chancellor, University of Mysore.

With reference to your D.O.No.102 of even date received by me at 1.10 p.m. I beg to invite your reference to the Ordinance 26 on page 17 of Volume I of the Mysore University Calendar 1939-40 and to the Standing Orders of the Government of Mysore relating to enquiries into the conduct of Public Servants.

During the "Confidential Enquiry" when you examine me I trust that the persons, who as per your telephone conversation this morning would assist you, will not be present.

Letter dated the 25th July 1941, from Dr.M.A.Sampathkumaran, to the Vice-Chancellor, University of Mysore.

With reference to your personal instructions this morning that I might submit a representation stating my objections fo the presence of University Council Members at the Preliminary Confidential Enquiry for the orders of the Government, I may be permitted to invite your kind reference to my D.O.letter of 23rd/24th instant.

I beg to point out once again that I base my objection on Section 26 of the Mysore University Act and the Standing Orders of Government of Mysore in connection with enquiries into alleged misconduct on the part of Government servants(a type-written copy of which you had taken for perusal from me). According to these, the Preliminary Confidential Enquiry can be conducted only by you as my official superior at present, or by an officer specially deputed by Government for the purpose.

A second examination has been orderedfor the candidate in a University Council resolution on the 26th April 1941. Other incidents have occurred subsequently casting suspicion on my conduct and character. So, I consider that it would be very unjust to me and prejudicial to my interests to have any members of the University Council to take part in any enquiry. I strongly feel that this enquiry might be used to find, if possible, evidence to justify an adverse conclusion arrived at much earlier.

In this connection, I beg to represent that you yourself appreciated the reasonableness of my request when I represented to you during the conversation with you on the telephone on the 28th June that no member of the University Council should be a member of the Enquiry Committee, since every member of the University has expressed strong opinions in the consideration of this case. I was indeed happy when you suggested that you would recommend to the Government to appoint a Judge of the High Court to go into thi matter.

I cannot conceal from my self that this whole episode is derogatory to my status as a Government Officer of 31 years service, and to my standing as a University Professor. So, I humbly request that you may be pleased in your communication to the Government, to emphasise for kind and generous consideration m feelings regards the presence at the enquiry of others than the Vice-Chancellor, especially as I consider they have prejudged my case. Further, Sir, you have been the Head of Governments for several years, and you have already conducted the enquiry on two days, and I trust that you are satisfied with the manner in which the enquiry has progressed. My only prayer is that, at the enquiry, no University Council Member should be present.

(8) D.O.letter No.P.119, dated the 26th July 1941, from the Vice-Chancellor, University of Mysore, to ~~th~~ Dr.M.A.Sampathkumaran.

With reference to your letter dated the 25th instant, I am writing to say that there should be no reference to any conversation between me and you on the 28th June for two reasons. The first is that it is not correct to quote in official documents from conversations or from oral instructions, both of which have to be confirmed. In the second place I have recollection of the conversation, and I am not prepared either to accept or deny the details in the paragraph.

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(9) Letter dated the 26th July 1941, from Dr.M.A.Sampathkumaran, to the Vice-Chancellor, University of Mysore, Mysore.

With reference to your letter No.P.119 of even date, I beg to state that the Manual of General Circulars and Standing Orders, Part I, page 30(pointed out to me this morning) do not apply to this case.

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(10). D.O.letter No.387, dated the 30th July 1941, from Dr.M.A.Sampathkumaran, to the Vice-Chancellorm University of Mysore.

As desired by you, I enclose a statement of marks obtained by the students of the Honours class in Botany, in the I.II and III Year Honours classes during 1938-39, 1939-40 and 1940-41:

	I.Hons.(38-39)		II.Hons.(39-40)		III.Hons.(40-41)	
	I Term.	II Term.	I Term.	July Exam.	I Term.	
Max.	100	100	100	100	100	[illegible]
1.M.A.Alwar Tirumala Iyengar. ..	45	51	50	55	52	= 253
2.N.K.Ananthanarayana Iyer. ..	82	68	69	66	65	= [illegible]
3.B.Baliah ..	58	51	52	50	54	= [illegible]
4.M.Basalingappa ..	67	55	51	40	55	= [illegible]
5.Gopalakrishna,K.S. ..	68	58	53	57	59	= [illegible]
6.Khaleel Ahmed ..	46	49	57	48	55	= [illegible]

Statement of marks obtained by Mr.M.A.Alwar Thirumaliengar in the I.Sc.(1938), B.Sc.Hons.Preliminary(1940) and B.Sc.Hons.Final(1941).

I.Sc.1938.

	Part I.		Part II.					Grand Total.
	English.	Sanskrit.	El.Maths.	Chem.	Zoology	Botany.	Total.	
Maximum.	200	100	100	200	200	200	600	1000
Minimum.	80	35	30	60	60	60	210	
SCORE.	85	35	43	103	59 Plus 1	115 - 1	277	440

III.class.

B.Sc.Hons.Preliminary-1940.

	Part.I.	Part II.	Part II. Chemistry.			
	English.	Sanskrit.	Theory.	Class Records.	Class Examn.	Total.
Maximum.	100	100	400	50	50	500
Minimum.	35	35				175
SCORE.	38	38	217	38	13	268.

B.Sc.Hons.(Botany) 1941.

	I	II	III	IV	V	VI.	Total	Ptls.	Class Records.	Class. Exami.	Grand Total
Maximum	100	100	100	100	100	100	600	300	100	100	1100
Minimum							210	105			440
SCORE.	65	63	54	63	48	64	357	201	58	51	667

I.class.

a.	b.	a.	b	c.	b.	a.	d.	a.	e.	a.	b.
15	17	11	13	11	12	13	8			13	14
11	12	10	11	11	11	8	10			16	16
14	15	12	14	9	10	15	13			19	20
10	13	15	16	10	12	15			8	14	16
11	12	12	12	10	11	11			8		
61		63		53½		62½		31½	15½	64	= 355

a.Dr.M.A.Sampathkumaran
b.Dr.T.S.Raghavan
c.Mr.L.S.Doraiswamy
d.Mr.M.S.Sabhesan
e.Dr.B.L.Manjunath.

69
61
130

h-3.

Ref: Your enquiry this morning.

1.(a) Laboratory records(Drawings)
(b) Herbarium
(c) Slides
(d) Library Notes.

56

2. Records referred to all the three years.

3. Do not remember the details.

(a) 50.
(b) 15
(c) 20
(d) 15

4. The candidate,Alwar in question had not submitted any library notes. When questioned about this he brought next day a few books of his own and some of another student. When questioned as to why he had brought the notes of another boy, he said he had brought them to show how these notes were made up. I did not award any marks for this portion of the work.

5. This matter was brought to the notice of the Professor of Botany. Later the Professor, Mr.Rangaswamy and myself sat together and revalued the work of all the students.

Sd.K.N.Seshagiriah
Asst.Professor of Botany, C.C.

To The Professor of Botany,
Central College.

= no date?

16th July 1941.

Ref: Your enquiry this morning.

I was asked to help Mr.Seshagiriah by the Professor in the valuation of Honours records at the last moment. By the time I went to him, he had valued all the records. Since the matter of valuation was over, I merely put my signature into the list of marks prepared by Mr.Seshagiriah. At the suggestion of the Professor, all three of us namely, the Professor, Mr.Seshagiriah and myself revalued the work of all the candidates and awarded the marks.

Sd.K.Rangaswamy,
Lecturer in Botany, C.C.

To

The Professor of Botany, C.C.

"Copies"

Representation dated the 5th August 1941, from Mr.M.A.Alwar Thirumala Iyengar, to the Vice-Chancellor, University of Mysore.

I beg to herewith submit an explanation for my conduct on the day that you were pleased to send for me. I owe an apology which I hereby tender for the attitude that I took on that day before you. For that I want to bring to your kind notice and for favour of consideration the following circumstances : Eversince my results were withheld I have been passing through extremely anxious times; and what is more have been a great a cause for agony to my parents and relations, and a mark of scorn for every college-mate of mine. I have also been feeling that inadvertently I have brought a lot of trouble and ignoming to my revered father. In addition to this I am aware and fully conscious that this withholding of my results has become a public scandal so much so that local newspapers have though fit to devote columns to it. All this has been too much for me to bear at my young age. It was under these circumstances and in this frame of mind that I came up before you when called upon. I came fully prepared and determined to answer anything that was possible for me, and to vindicate myself before you. But, when you started questioning me I was completely unnerved and got into a terible fright and lost my power of speach. I did not know what to do. I am extremely sorry for that now and I repent it. I pray that that conduct of mine may kindly be overlooked. I shall be deeply grateful to you if you will again give me a chance to offer my explanations on any point that you may deem fit to desire. As a special favour I entreat you to give me an opportunity to answer any question that you may be pleased to put to me in writing, either before you or any other person. I shall spontaneously and frankly answer without any outside help whatsoever. I never had the privilege of having had to appear before the highest executive head of the University for an examination. Hence my attitude on that day.

I pray that I may be given an opportunity to offer my explanations on any point. I do not want my case to go by default I hope you will accord to me the fundamental principle of natural justice of not judging a man without affording him a chance to give an explanation and to hear what he has to say in the matter. As you are doubtless aware, Sir, the only person who is most likel to suffer as a result of all this is my humble self, and if I may say ~~that~~ so with due deference to you, Sir, for no fault of mine. I am hereunder appending my answer in the form of a full statement to the question that you were pleased to put to me; - I merely sat for the examination like any other candidate and answered all the papers to the best of my ability and had the misfortune of not having any results declared yet for reasons I am not aware of.

I am going through acute mental agony since the day that the results of the other candidates were published and mine withheld. Fully aware of the fact that my whole fate and future are in your hands, I am sure that you will meet out justice to me.

I would not have felt a hundredth part of the agony I have gone through even if I had been declared as failed in that examination which it was my misfortune to sit for. I beseech you most earnstly to give me an opportunity to vindicate myself and not to come to any decision about me before hearing me. For which act of kindness I shall be ever grateful as in duty bound.

I, the undersigned, came to the Vice-Chancellor's house out of my own free-will and made the following confession about my part in the recent Botany Honours Practical Examination of 1941:

As I have already explained before the enquiry conducted by the Vice-Chancellor and the Registrar, I was asked to do the preparation work. During the course of doing this work on all the three days Mr.N.K.Ananthanarayana Iyer made bold to ask me one day what a particular specimen was. At that time the examiners were seated on chairs placed at the door-way of the room or so. I am not sure whether one was there or both were there. I, first, resisted the temptation of helping the candidate. During my next approach to him to pass a slide or give a specimen he put me the same question and I yielded to it and said that"If I knew the particular specimen I said it may be so and so thus hinting to the student that it was really that and at another time "it may not be" thus hinting to the student that it was not the thing he mentioned. The other student in the hall noticed this. Next Mr.Alwar wanted to take the hint from me and he put me the same question and I answered similarly. Then followed Messrs.Baliah, Khaleel Ahmed and Basalingappa who all got tips. Afterwards I cast a similar hint to Mr.Gopalakrishna, who did not actually show any anxiety on his part. So I do not know whether he made use of my hint or not. This act I did as I wanted to be uniform to all candidates so that no one might have a special benefit of my help. Such things repeated 2 or 3 times(because, I do not exactly remember) during the whole examination.

A few days later Dr.M.A.Sampathkumaran called me one day to the departmental garden when this conversation took place:-

Ques: Is it true that you gave one or two tips during practical examination to Mr.M Khaleel Ahmed because he came to my house and told me so.

Ans. Yes, Sir, I did so.

Ques. Why did you not tell me before.

Ans. Because I had given such tips to all and I was uniform. So I did not tell you.

Later, after some days, I drew his attention to this in the Principal's room when Prof.Sampathkumaran was the Principal-in-charge.

To go back, after the practical examination was over on the third day, when all the students perhaps excepting Mr.Alwar, had gathered on the southern-wing of the Department. Mr.Ananthanarayan Iyer and others jointly said:

"We all are thankful to you for the help you gave us Sir"

I replied:

"Do'nt mention, please, after all I gave you 2 or 3 tips. Your work and merit was there."

One another day, when I told the Professor that I heard a news that Mr.M.A.Sampathkumaran was helping Alwar, through the servants, he asked me to find out the truth from the servants. I accordingly enquired the servants when they replied that they did not do any such thing.

Another day I came to know that Mr.Basheer Ahmed Khan se a slip probably containing some hint to the candidates, which w he wanted to go round the whole class. But I was told that the slip was retained by the first or second candidate and so the rest were indignant about it and were discussing about it.

Another day, when we were going to the B.T.R.'s Coffee club I told Mr.Basheer Ahmed Khan that my name and his name were there in the annnymous petition to the Vice-Chancellor, he told me that he knew about his name having been there long ago but that he had not told me about it as there was no necessity.

To go back to the days of the Practical Examination : On the first day at about 12 noon or so when the M.Sc.students and some staff members and others asked me what ~~pa~~ plants were given for identification, I replied " I do not know the names. Since the identification by the students is over as I suppose, long back, I can bring the specimen if they are remaining over." They said "We want to see if they are available."

I accordingly brought the few remaining ones and left them at their place.

9th August 1941:

Sd.S.K.Narasimha Murthy,
Lecturer in Botany,I.C.B.

P.S.

This act in the practical examination I did as I was told that such things were happening during the previous years and also I had come to know of some details about the valuation of the practical records during the current year.

18. (i) Council resolution, dated the 19th July 1941, regarding the Honours Examination in Botany held in March 1941.

(ii) Report of the Vice-Chancellor.

RESOLUTION.

(1) The Vice-Chancellor stated that the resolution of the Council on the subject as drafted and circulated had been objected to on the ground that it did not represent correctly the decision of the University Council, which according to the member who had sent in the objection, had "not at all been correctly recorded."

The Vice-Chancellor asked the eight members other than the objector who had been present at the meeting of the 19th July 1941 to state their recollection of what had happened.

Mr.McAlpine said that his impression was that a committee had been approved with the Vice-Chancellor as Chairman with three others as members of the Committee. The other seven members stated that their recollection was that no committee was appointed and that the proceedings as drafted were correct.

The Vice-Chancellor then stated his own recollection which was to the effect that no committee had been appointed.

(2) The Vice-Chancellor informed the Council that a member of the staff of the Botany Department, Mr.S.K.Narasimha Murthy, who had earlier given evidence, had come to his house that morning and written out a confession of incidents connected with the present examination for the Botany Honours students of 1941. Copies of Mr.Narasimha Murthy's confession was placed before the members, and after perusing this, the Council decided that further enquiry was called for and that the Vice-Chancellor should make it.

(3) In the light of the allegations contained in Mr.S.K. Narasimha Murthy's confession, the Council was of opinion that the Professor of Botany, Dr.M.A.Sampathkumaran, should be immediately asked to proceed on leave to facilitate further enquiries. There was some discussion as to whether the Vice-Chancellor should himself request the Government to direct Dr.Sampathkumaran to proceed on leave, or whether the Council should pass a specific resolution on the subject.

Mr.N.Balakrishnaiya then moved the following proposition:

> "That in the interests of an impartial enquiry, the Professor of Botany be placed on leave till the end of the enquiry and a result is arrived at."

Result of voting:

FOR:
1. Mr.E.G.McAlpine
2. Dr.Albuquerque
3. Diwan Bahadur Mr.P.Mahadevayya
4. Mr.N.Balakrishnaiya
5. Dr.J.F.Robinson.

AGAINST:
1. Mr.K.B.Madhava
2. Dr.B.Sanjiva Rao
3. Mr.Mirle N.Lakshminaranappa
4. Rajasevasakta Mr.B.K.Narayana Rao
5. Mr.J.C.Rollo
6. Mr.Gulam Ahmed Kalami.

NEUTRAL: Mr.A.B.Mackintosh.

Those who voted against the resolution desired that Government should be informed that all of them were in favour of Dr.Sampathkumaran proceeding on leave, and that the difference was only in respect to the necessity of a council resolution on the subject.

11th August 1941. Mr.N.K.Ananthanarayana Iyer.

Ques. Tell me frankly, did you receive any help during the practical examination?

Ans. No.

Ques. Did any one voluntarily give you help?

Ans. No.

Ques. Did he help any one else.

Ans. I do not know. I was attending to my work and did not observe anyother thing. I asked no questions and no help was given

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Sd.N.K.Ananthanarayana Iyer,
15th August 1941.

11th August 1941. Mr.Bashir Ahmed Khan.

Q. When did you pass the B.Sc.Hons.Examination?

A. In the year 1939.

Q. When were you appointed lecturer?

A. In June 1940.

Q. What were you doing for one year?

A. I was studying for M.Sc.

Q. Were you appointed Lecturer towards the end of your M.Sc.course?

A. Yes.

Q. In which class did you pass your M.Sc.?

A. In II.class.

Q. In 1940-41 did you take honours classes?

A. No.

Q. You were appointed in the Central College?

A. Yes.

Q. Were you present in the Botany Honours department when the practical examination was going on?

A. Yes.

Q. Have you a separate room?

A. No; in the M.Sc.room; but my things are kept in the almirah in the room next to the practical examination. I used to go to that room occasionally to get my materials.

Q. Could you see what was happening in the practical examination room?

A. I could see.

Q. Was it possible for any one in the examination hall to communicate to you what specimens were given in the examination?

A. I do not think so.

Q. Did you see any of the specimens after the examination?

A. Yes, sometimes after the examinations were over.

Q. What were the hours of examination?

A. 11 a.m. to 1 p.m.

Q.Mr.S.K.Narasimhamurthi says he used to go out now and then. Did you see him during the hours of the practical examination?

A. Yes; he used to go out for coffee.

Q. He says that on one day before the examination was over you asked him what specimens were given and though the examination was not over, he brought the specimens to you.

A. I do not remember. I was in the Department. I was not in the group which asked for these specimens.

Q. Are you positive that you never saw the specimens before the examination was over?

A. I used to go to my almirah for the materials and I used to see the specimens on the table.

Q. Were you able to identify them at a distance?

A. No.

Q. How were you able to help any student?

A. I did not help any student.

Q. Are you quite sure?

A. Yes.

Q. Please answer carefully.

A. No Sir, I am quite sure.

Q. Did you send any slip into the examination hall?

A. No, sir.

Q. You are positive that you did not send any slip?

A. Yes, sir.

Q. Did you at least hear if anybody got any help?

A. I did not hear.

Q. Before the results?

A. No.

Q. After the results?

A. Yes.

Q. By whom was the help supposed to be given?

A. I do not know the details. A week after the results I heard that some students had been helped.

Q. So it is more than one student?

A. Yes.

Q. Who told you?

A. Mr.Gopinath, Thirumalachar, etc., were talking about it.

Q. You do not know what kind of help?

A. I do not know what the exact nature of the help was.

Q. Did you hear about the nature of the trouble that Reg.No.163 was supposed to be in.

A. No, sir.

Q. Who is Khaleel Ahmed? Is he a friend of yours?

A. I know him, as I know all the other muslim students.

Q. Was he a good student?

A. He was an average student.

Q. Was he intimate with you?

A. Not specially.

Q. Did any of the students come to you for help or guidance?

A. Yes, before the examination. I used to direct them to Mr.Thirumalachar. I used to lend them my notes and they accompanied me in my exuursions with the B.Sc.pass students.

Q. You do mot know whether any specimens or slides were brought into the M.Sc.room during the time of the B.Sc.Hons.examn.

A. Not w that I know of.

Sd.K.Bashir Ahmed Khan,
20-8-1941.

12th August 1941.

Mr.C.Jayarama Reddy,C.
Lecturer in Botany,Central College.

Ques. How long have you been Lecturer in Botany?

Ans. I have been lecturer since August 1939.

Ques. What classes did you teach during 1940-41?

Ans. I was taking only Practical classes.

Ques. For which class of students?

Ans. I was teaching Junior Intermediate, Senior and Junior Intermediate, B.Sc.(Pass) and Second year Honours.

Ques. Had you no work with the III year Honours during 1940-41?

Ans. No.

Ques. Were you coming to the college during the Honours Examination this year?

Ans. Yes.

Ques. Were you staying in the college during the hours of examination?

Ans. I used to be in the M.Sc.room, but after the practical examination commenced we were asked to occupy the herbarium room.

Ques. Why?

Ans. Because it was adjoining the practical examination hall, opened into it.

Ques. When the practical examination was going on there should be no body in the M.Sc.room. Was that the idea?

Ans. Yes.

Ques. What were you doing in the college?

Ans. I was examining my slides, etc., and cutting materials,etc. I was normally working there.

Ques. You said you were working in the M.Sc.room normally, and the Professor said on account of there being communication between the M.Sc.room and the practical examination room, he ~~sax~~ asked you to shift from there during the practical examination. Therefore during the practical examination you were not to be found there?

Ans. No.

Ques. Where were you during those hours?

Ans. I used to be in the herbarium room.

Ques. Do you know if anybody else was in the room?

Ans. I did not stay there continuously, but I used to go and come.

Ques. Was there any body else during these three days the practical examination for the Honours students.

Ans. Mr.Basheer was there and Mr.Tirumalachar was there.

Ques. Were you attending the college regularly during those three days of practical examination for Honours students?

Ans. Yes, between 7.30 a.m. to about 12.30 p.m.(to 1 p.m.)

Ques. You used to be found in the Botany Department during those hours?

Ans. I was going also outside to the staff room.

Ques. Did you notice if in the M.Sc.room there was anybody else who used to stay there either continuously or for sometime?

Ans. No Sir. Mr.Basheer was working in the other room where the other microtome was located. I do not know if Mr.Tirumalachar was staying there.

Ques. Did you notice if any body used to be there apart from you gentlemen going now and then?

Ans. Several people.

Ques. Can you mention their names?

Ans. I do not remember, exactly. Mr.M.A.Sampathkumaran and Mr.Gopinath were there.

Ques. Did you ever see Mr.Gopinath in the M.Sc.room?

Ans. No.

Ques. Do you remember if in the M.Sc.room at any time during the examination days any of these persons were to be found?

Ans. No Sir, I do not remember.

Ques. Did you notice, when you were passing that way, who the Examiners were?

Ans. I saw one day Dr.Raghavan and I used to see Dr.Sampathkumaran and Mr.Seshagiriah used to go to his room - he possibly passed the hall. Mr.Sahhesan - I think was also in the examination hall some day. Mr.S.K.Narasimhamurthy also used to be in the examination hall.

Ques. Was Mr.Narasimhamurthy going there occasionally, and did you find him in the hall?

Ans. I do not know, but I think he was one of the members of the staff deputed to supply materials.

Ques. Why do you say so?

Ans. He used to come early to the laboratory, and I asked him why he was coming.

Ques. What did he tell you?

Ans. He said, "I have been collecting materials for the examination.'

Ques. Did you see him at any time with materials in his hand?

Ans. I saw him with a bag.

Ques. What kind of bag?

Ans. Ordinary - swadeshi - bag opened at the top.

Ques. Did you by any change see what was in the bag?

Ans. No.

Ques. Did Mr.Narasimhamurthy, to your recollection, stay in the examination hall right through the examination or have you at any time seen him leaving the hall during the examination.

Ans. He was coming out now and then.

Ques. Did you on any of these occasions speak to him?

Ans. I never spoke to him.

Ques. Did you know if anybody else spoke to him?

Ans. I have seen him going with Mr.Kousik for coffee.

Ques. Is it a fact that on the first day Mr.Narasimhamurthy at about 12 o'clock was asked by some members of the staff and M.Sc. students what specimens were issued that day for the examination?

Ans. I never asked.

Ques. But do you remember if anybody else asked him this questic within your hearing?

Ans. Mr.M.A.Sampathkumaran was asking.

Ques. Do you remember if Mr.Narasimhamurthy made any answer?

Ans. I did not hear what Mr.Narasimhamurthy's reply was.

Ques. Can you tell me if anything happened on the first day that excited your attention or interest or suspicion?

Ans. Mr.Sampathkumaran had some specimens of plants in his hands while the examination was going on. Then he asked Mr.Narasimhamurthy under what letter in the examination hall these specimens in his hands were placed.

Ques. Where did this conversation take place?

Ans. Between the herbarium room and the M.Sc.room.

Ques. Can you remember approximately what time it was?

Ans. It may be, about 11 o'clock or 12 o'clock. Any way, during the examination.

Ques. Did you hear Mr.Narasimhamurthy's reply?

Ans. I do not remember hearing the reply. My recollection is that no further conversation took place in my neighbourhood.

Ques. Then what happened to them? Did they leave the room immediately after?

Ans. Mr.Narasimhamurthy went away. I do not know which side he went, whether to the examination hall or away.

Ques. But did you hear any student or lecturer on the first day, apart from this talk between Mr.Sampathkumaran and Mr.Narasimhamurthy, asking Mr.Narasimhamurthy what specimens had been issued.

Ans. No.

Ques. Do you remember if Mr.Narasimhamurthy had brought the specimens for them to see?

Ans. I do not know if this happened. But I know Mr.Narasimhamurthy brought some plants from the examination hall. He brought some specimens.

Ques. Was this when the examination was going on?

Ans. Yes.

Ques. Why did he bring the plants?

Ans. I do not know.

Ques. Did he show them to anybody and explain what they were?

Ans. Mr.S.K.Narasimhamurthy showed two bits of plants to Vyasaraja Rao and me. One of them was being worked out by P.K. Vyasaraja Rao.

Ques. Did you ask him what kind of questions had been set on these specimens?

Ans. No. The real difficulty about the specimens is to identify them. He said that one of the specimens given to the candidates was that at which Mr.Vyasaraja Rao was working.

Ques. To whom did he give this information?

Ans. Mr.Vyasaraja Rao was one of them and Mr.M.A.Sampathkumaran

Ques. Do you know if after Mr.Narasimhamurthy had shown these specimens he had brought from the examination hall, any one made an attempt to convey to the examination candidates any information about these specimens?

Ans. I did not see any body attempting to convey information with regard to those particular specimens brought by Mr.Narasimha murthy,

Ques. You are limiting your answer. Then, does it mean that you knew that some one was attempting to convey information about other specimens?

Ans. Yes.

Ques. Please tell me what you know about this.

Ans. Mr.M.A.Sampathkumaran was identifying some of the slides that had been given to the examination students for identification.

Ques. ~~I do not know~~ Does this mean the slides had been brought from the examination hall or were they duplicate?

Ans. I do not know.

Ques. Then what exactly was Mr.Sampathkumaran doing in the way of identification and conveying his knowledge to the examination candidates?

Ans. There was a peon by name Latcha. Mr.M.A.Sampathkumaran was giving him occasional slips of paper.

Ques. Did you see the peon take these slips to the examination hall

Ans. No, Sir, I only saw Mr.Sampathkumaran, giving the slips to the peon.

Ques. Did you hear Mr.Sampathkumaran telling the peon to do anything with the slips and the slides?

Ans. No, Sir. The peon was smiling and walking away with the slide and the slips.

Ques. Seeing you were in the herbarium room, could you see if the peon went into the examination hall.

Ans. No, Sir, it is not possible.

Ques. Why not?

Ans. No, it is not possible : (At this stage Mr.Jayarama Reddy illustrated his point by sketching a plan of the Botany Department.

Ques. You say you saw Mr.Sampathkumaran handing over the slips and the slides to the peon; did this happen in the herbarium room?

Ans. Yes.

Ques. How often - whether on the first day or on other days - did you at all notice Mr.Sampathkumaran identifying slides and givin ~~kxxp~~ slips?.

s. This is the only occasion on which I saw him identifying the ~~d~~ slides and writing slips. On the second or third day $\frac{3}{4}$ - I cannot remember which - he was taking our spctions of 2 bits of materials with a razor and the peons Latcha and Venkataswamy were by his side at this time, and I entered th room just then - it may be about 12.30 noon. He took sections and put them in petri dishes, and the peons took them away. I do not know which peon took away, but I know one of them saying that it was time and hurrying Mr.Sampathkumaran.

Ques. Did all this excite your suspicion as to what was happening?

Ans. Yes, Sir. On the second occasion I became suspicious.

Ques. What form did your suspicion take?

Ans. I thought there had been leakage of information about the specimens given in the examination and that information was being supplied to some candidate in the examination hall.

Ques. Did you at all then suspect who the candidate might be who was being helped?

(At this stage Mr.Jayarama Reddy added that the peon was informing Mr.Sampathkumaran that some one had cut his fingers).

Ans. I suspected the person who had cut the finger and who might have been helped might be Mr.Alwar Iyengar. Later I saw Mr.Alwar Iyengar with an injured finger.

Ques. Have you anything more you like to add with regard to the conduct of the Botany Honours Examination that was in any way out of the normal?

Ans. Except what I have told you above there is nothing more that I can recollect.

Sd.C.Jayaram Reddy,
15-8-1941.

12th August 1941. Mr.P.K.Vyasaraja Rao

Ques. Were you attending the Department in February and March this year?

Ans. Yes.

Ques. What hours were you keeping in the Department?

Ans. Generally I used to come about 10.30 in the morning and keep on till 4.30 p.m. with intervals.

Ques. Were you present in the department on these lines during the Botany Honours Examination?

Ans. I was present on the first day.

Ques. Why do you remember the first day?

Ans. Because the other days I came late.

Ques. On the first day were you present in the department when the examination was going on?

Ans. Yes. Under instructions from the Professor we were made to sit in the herbarium.

Ques. What do you mean by "WE" .

Ans. Mr.Jayarama Reddy and myself - two of us.

Ques. Did you on the first day see anybody else in the herbarium during those hours 10 to 1 p.m.?

Ans. Yes. I was on the first day, somebody also came in.

Ques. Who all came? Do you remember?

Ans. Mr.S.K.Narasimhamurthy and also Mr.M.A.Sampathkumaran.

Ques. Why did Mr.Narasimhamurthy came to the Botany Department on the first day?

Ans. He was supervising the Honours Examination on the first day.

Ques. You say he came to the herbarium between 10 and 1 p.m., does it mean he left the examination hall?

Ans. He came twice.

Ques. Do you at all remember what happened when he came to the herbarium?

Ans. He brought one plant in his hand.

Ques. What happened then?

Ans. Mr.Narasimhamurthy wanted to know to which family that plant belonged.

Ques. Did any of you answer?

Ans. Yes, I answered.

Ques. Then what happened?

Ans. He went away.

Ques. Do you think he went to the examination hall or outside?

Ans. I am sorry I do not know. Because I did not leave the room.

Ques. Are you sure if Mr.Narasimhamurthy asked the question or somebody else?

Ans. Mr.Narasimhamurthy himself asked.

Ques. We have been told it was the other way, that somebody else had the plant and asked Mr.Narasimhamurthy to which family it belonged.

Ans. Mr.Narasimhamurthy himself brought and asked me.

Ques. Is it a fact that one of those present in the Department showed Mr.Narasimhamurthy a plant and asked him under which letter that plant was given in the examination hall?

Ans. I do not kndw.

Ques. Did Mr.Narasimhamurthy leave the herbarium by himself or did dnybody accompany him?

Ans. Mr.Sampathkumaran also went with him.

Ques. Do you know after what interval Mr.Sampathkumaran returned?

Ans. I do not remember.

Ques. What exactly was Mr.Sampathkumaran was doing in the Department on the first day? What was Mr.Sampathkumaran's work in the herbarium? Had he any work at all there that day?

Ans. He had no regular work.

Ques. What exactly was Mr.Sampathkumaran doing?

Ans. He was looking at the file of collections giving the families of different specimens casually.

Ques. Did he do anything else?

Ans. No.

Ques. Was he spending three hours, merely casually looking at the specimens?

Ans. He was now and then going out and coming in.

Ques. Have you no ideas as to where he was going and so on?

Ans. No.

Ques. We have been told that Mr.Narasimhamurthy came out of the examination hall and some of you asked him what specimens had been given in the examination hall. He is supposed to have said, "now that the examination is over, here are the specimens." Is it a fact?

Ans. That is not the fact. The facts are as I have told you; we had no interest in the examination, because our work was elsewhere.

Ques. Did you see the specimens when the examination was over?

Ans. No I did not see.

Ques. Did you here during the examination of any accident?

Ans. Yes. I heard that Mr.Alwar Iyengar had cut one of his fingers on the third day.

Ques. When did you hear this?

Ans. In the afternoon- before 5 o'clock.

Ques. Did you hear whether he suffered in the examination on that account?

Ans. He himself told me that he could not do well on account of his finger being cut.

Ques. Did he tell you at what hour his finger was cut?

Ans. It seems he took up the section cutting at the end and he could not do it because he had injured his fingers. I asked him whether he had cut any sections. He told me he had not taken them, because his fingers were cut at the very first material he took for sectioning. Therefore he could not complete the section work.

Ques. Is there anything else that you know and would like to add?

Ans. I would like to say this much. That Mr.Narasimhamurthy was in charge of the examination room, left the examination room and came as I said twice. This struck me as something out of the way.

Ques. Did you ask him.

Ans. No.

Ques. Did you draw the attention of any body else.

Ans. No, Sir.

Ques. Did you see Mr. Sampathkumaran trying to help anybody?

Ans. I did not leave the room.

Ques. Did you have any occasion to feel he was in the Botany Department for any specific purpose of helping somebody then?

Ans. I did have an impression at the time that his presence there required to be explained.

Sd. P.K. Vyasaraja Rao,
15th August 1941.

12th August 1941. Mr.D.M.Gopinath.

Mr.Gopinath, we want from you information about some things we have heard about. Please do not say anything that you do not know yourself. I want nothing but the truth.

Ques. Were you in the Botany Department during the Honours Examination of this year.

Ans. Yes Sir, I used to come.

Ques. What hours were you coming?

Ans. From 8 o'clock in the morning to about 8.30 in the night.

Ques. So were you in the Department during the examination?

Ans. Yes.

Ques. Which room were you working in?

Ans. In the south-wing in the Honours lecture room. I was working in the M.Sc.room in the extreme southern wing, and had no occasion to come to the northern room or anywhere near the practical examination hall.

Ques. Then am I to understand you do not know who were examining the candidates?

Ans. I know who were the examiners. Because the examiners used to take lunch in the room I was working.

Ques. Do you know who the examiners were?

Ans. One day I saw Mr.Sabhesan, another day Dr.Raghavan and I used to see Mr.C.V.Krishna Iyengar.

Ques. Do you know if any member of the staff other than the Professor used to be in the examination hall?

Ans. I am not sure, but I think Mr.Narasimhamurthy used to be in the examination hall.

Ques. Why did you say so?

Ans. Because I used to see him in the department and thought he was one of the examiners - because he was a senior member of the staff I presumed he might have been an examiner.

Ques. Did you see him during the Honours Examination day in the Department?

Ans. I do not know.

Ques. Did you have any talk with him during any of the examination days?

Ans. No. It is only after the examination was completed I used to talk to him, but not about examination matters, but on social matters as I was Vice-President of Botanical Society.

Ques. Do you remember if during these examination days or sometime after you or any other M.Sc.students had any talk with him about the Honours Examination?

Ans. I do not know about other students. As far as I am concerned I talked with him about social matters, but nothing about the examination.

Ques. Was there any talk sometime after the examination or later that any student or students had received help during the examination?

Ans. There was a talk that one of the students received help.

Ques. Did you speak about this or duscuss this with any other of your class-mates or teachers in your department?

Ans. I have not spoken to any teacher. I told some of my class-mates that people were saying that some candidate received help.

Ques. Did you tell Mr.Bashir Ahmed that you knew about this?

Ans. I did not tell Mr.Bashir Ahmed anything about this matter.

Ques. Did you speak to Mr.Tirulamachar about this.

Ans. No.

Ques. Who told you about the help being given to a candidate?

Ans. In the University Union some students were talking about.

Ques. Can you remember when it was?

Ans. I think only after ~~xx~~ my completion of my thesis and probably * early part of May.

Ques. Did you hear any details or merely a general rumour?

Ans. No details.

* I have said not early part of May as is typed but later part of May.

Sd.D.M.Gopinath,
15th Aug.1941.

12th August 1941. Mr.Basalingappa. M.

Ques. In the practical examination hall were things quite as usual? Did anything happen out of the way?

Ans. Nothing. One day the examination began 10 minutes late.

Ques. What was your place - who was in front of you?

Ans. I was facing the wall.

Ques. I heard someone cut his finger. Did you hear about it at all?

Ans. No. I do not remember there was any such thing.

Ques. Did you at all hear that anything happened out of the way soon after the examination?

Ans. No.

Ques. When did you hear at all?

Ans. While our results were published.

Ques. What did you hear.

Ans. One of our class-mate's result was withheld.

Ques. What is the talk you have heard?

Ans. The story I heard is that he has not answered well, but inspite of it he gets first class and there was some trouble with his answer papers and so his results are not yet published.

Sd.M.Basalingappa
15th Aug.1941.

12th August 1941. Mr.K.R.Ramachandran.

Ques. Were you attending the Department during the days practical examinations were being held for Botany Honours students this year?

Ans. Yes. During the Honours practicals I was coming only in the afternoon.

Ques. How long were you staying?

Ans. A hour or half an hour.

Ques. Then during those hours you stayed or immediately after did you at all hear anything about the practical examination?

Ans. I did not hear before the announcement of the results.

Ques. When did you hear then?

Ans. After the announcement of results.

Ques. Did you hear anything specific?

Ans. No.

Ques. Are you positive that you heard nothing during the practical examination? Who were coming in the time you were there?

Ans. Mr.Gopinath, Mr.Vyasaraja Rao and Mr.Jayarama Reddy.

Ques. Did you find Mr.M.A.Sampathkumaran coming to the Botany Department during those days?

Ans. I saw him in the Union, but cannot remember whether I saw him in the Department also.

Sd.K.R.Ramachandran,
15th August 1941.

12th August 1941. Mr.M.Khaleel Ahmed.

Ques. Did you get from anybody any help in the examination?

Ans. No.

Ques. Did not Mr.Narasimhamurthy help you in identifying the specimens?

Ans. No.

Ques. Do you admit that somebody else was also helping you and that a slip of paper containing information did not reach you at the time?

Ans. No. I had not expected any help from outside.

Ques. Why should Mr.Narasimhamurthy make the allegation that you wer helped by somebody?

Ans. We had some differences. I was Secretary of the Botanical Society(1940-41) and I opposed him about staging a drama.

Ques. You are suggesting that Mr.Narasimhamurthy was angry with you over some matter connected with the Botanical Society,and you differed from him in some respect and he was angry. Di you know that he was angry with you before the examination began?

Ans. He went and spoke to my Professor(who was the President of the Society) against me in February. I do not know what he tol him, but the Professor asked me if I opposed the drama, but i said that if the Professor(president) wanted, it might co about and the drama performed.

Ques. How many of you were in the examination hall?

Ans. Six.

Ques. How were you seated in the examination ~~hall~~ room?

Ans. There were six tables with six sets of specimens with six microscopes. There were three sets of reference books, one set for two students. The books would be brought to u by the examiner or any body else that was there.

Ques. How were the tables arranged?

Ans. One behind the other.

Ques. Who was or who were in front of you?

Ans. Mr.Basalingappa.

Ques. Could you only see one man?

Ans. I could not see behind me unless I turned my back.

Ques. Did you have any occasion to look behind you?

Ans. No.

Ques. Therefore can you not say if any candidate got any kind of help?

Ans. Not possible; we had three hours and had plenty of work. I had no time to look behind.

Ques. Did you know on any of the examination days whether one of your class-mates came to grief by cutting his fingers?

Ans. I have cut my finger. There was some talk that somebody behind me had cut his fingers.

Ques. Which day was it?

Ans. I do not remember - probably last day.

Ques. Can you say if it was in the beginning of the examination, middle or end?

Ans. I think it was near the end of the examination; about a hour or half before the examination finished.

Ques. Did you at all know then who it was?

Ans. Absolutely no.

Ques. How did you know that anybody had hurt his finger?

Ans. Because a servant taking a wet cloth was moving about. The examiner who was sitting went to the side of the table of the student and ordered some aid to be brought it.

Ques. Did you not turn and see who it was?

Ans. No.

Ques. Did you not even enquire who it was?

Ans. No.

Ques. Did you enquire after the examination was over and see who it was?

Ans. No.

Ques. Later did you know who it was?

Ans. No.

Ques. Do you know this even now - even to this day?

Ans. No.

At this stage the Vice-Chancellor told him that it was unbelievable that he did not know even now who of his class-mates it was that sustained any hurt in the examination hall.

Ans. I know it Sir. I knew then alone that Mr.Alwar Iyengar had cut his finger.

Ques. When did you know it?

Ans. After some time - at the time of the examination some help(firs aid) was sent to him. That is, I knew in the examination hall.

Ques. What made you tell me you did not know it then or after the examination or even now?

Ans. Excuse me Sir.

Ques. Anything else you know about the examination?

Ans. I have no information to give.

Sd.M.Khaleel Ahmed,
15th Aug.1941.

12th August 1941. Mr.B.Baliah.

Ques. Did you borrow last year anybody's library notes?

Ans. Yes.

Ques. Whose?

Ans. I had borrowed from Mr.Bakthavathsala Naidu.

Ques. You were III year student and he was a second year student?

Ans. We usually exchange notes for reference only.

Ques. Did you exchange notes?

Ans. Yes.

Ques. Did you find his notes specially helpful - were they good notes?

Ans. On some subjects I found them good.

Ques. But did you find them useful for examination?

Ans. On some portions some good extracts were useful for reference.

Ques. What was your place in the examination hall?

Ans. Third.

Ques. Whom were you facing?

Ans. Mr.Gopalakrishna.

Ques. Apart from the examiners, did any member of the staff come to the examination hall?

Ans. Intermediate College Lecturer, Mr.Narasimhamurthy.

Ques. What was his work?

Ans. ~~What~~ x He was entrusted with the passing of the slides from candidate to candidate~~s~~.

Ques. Any other work?

Ans. No.

Ques. Did he spend all the three hours in the examination hall?

Ans. I do not know whether he left now and then.

Ques. Apart from Mr.Narasimhamurthy and the examiners, did anybody else come into the examination hall?

Ans. Some who supplied water used to come. The attender used to come when sent for to bring some material, tool, razor and so on.

Ques. Did the attenders any timw bring in slides and so on?

Ans. No.

Ques. Did you notice in the examination anything out of the way? Were the things going on normally?

Ans. I did not hear.

Ques. Did you hear afterwards?

Ans. Yes.

Ques. Did any incident take place in the examination hall?

Ans. As far as I know I do not know.

Sd.B.Baliah,
15th Aug.41.

2th August 1941. Dr.M.A.Sampathkumaran.

Mr.A.B.Mackintosh was present.

Ques. When did Mr.Narasimhamurthy come to you, what time?

Ans. Just about 12.45 he came to my house.

Ques. Did he see you anytime before the 9th August?

Ans. No. (Not on the 9th).

Ques. Did he not tell you he was coming to me?

Ans. No.

Ques. Did he tell you when he saw you that at 9.45 a.m. he had come to me?

Ans. Yes.(About that time).

Ques. Did he tell you why he came to me?

Ans. He said that the Vice-Chancellor was going on a walk and he was going on a bicycle. Immediately he saw the Vice-Chancellor he got down and he said he wanted to makea statement and he went with the Vice-Chancellor to the Vice-Chancellor's residence. He was very excited the whole time.

Ques. Did he tell you why he came to you?

Ans. He said he wanted to tell me what happened when he went to the Vice-Chancellor.

Ques. What did he tell you?

Ans. I told him to write down on paper whatever he had told the Vice-Chancellor and he wrote this statement of which I have sent a copy through the Principal.

Ques. What happened after he finished his statement?

Ans. He said, "my career is over". I told him to keep calm and tell me the details. He had seen me the previous evening at 5.30, but did not mention anything about what he was going to do, and he also said that before he gave this statement that he heard from Mr.Seshagiriah that the Vice-Chancellor expressed to Seshagiriah " we were expecting more from Mr.Narasimhamurthy, but he did not give them." When he and somebody else, I do not remember who it was, were in the corridor Mr.Jagapathy passed that way and he looked at him in a way as if to say "you will be punished." I took the paper and asked him to go. He was highly excited.

Ques. What time did he take to write?

Ans. About 15 or 20 minutes.

He said the three points in his confession to the Vice-Chancellor were given in the statement given to me, but that he could not write all.

Ques. Did he tell you definitely why he came to you?

Ans. No but just to report.

Ques. How long has he been in service in the Department?

Ans. For about 13 years.

Ques. Was his work good during these 13 years he was in the Department?

Ans. Yes.

Ques. Was he in the Intermediate College or in the Central College?

Ans. He was given some work in the Central College all the same.

Ques. What classes?

Ans. B.Sc.Honours classes.

Ques. Did he strike you as a reliable sort of a man?

Ans. Feeble minded.

Ques. What makes you say this about him?

Ans. Several times he used to come to me with complaints against his colleagues. He was very sensitive and he used to cry.

Ques. But would you say apart from this sensitiveness and feeble-mindedness he was an unreliable man?

Ans. Till now I had no occasion to think that he was not reliable.

Ques. Did he these 13 years impress you as an untruthful sort of man?

Ans. He was a weak man, but I had no occasion to feel he could tell a lie.

Ques. Was he entrusted with the examination work earlier than the present year?

Ans. No. He used to be one of the valuers of the Intermediate answer papers.

Ques. Was he not in the examination hall in the earlier years?

Ans. No. Only this year. In earlier years I used to put on Mr.Kousik for one or two years and then Mr.Rangaswamy for assistance in the practical examination.

Ques. Have you been satisfied with the work done by these people?

Ans. Yes.

Ques. Had you any occasion this time to be dissatisfied with Mr.Narasimhamurthy's work?

Ans. I had no occasion to suspect him in the examination.

Ques. Did you put him in the examination hall because you had reason to believe that he would be trustworthy?

Ans. I had no cause to doubt his honesty or truthfulness. Otherwise I would not have put him on.

Ques. Nor did you notice in the examination days any action on his part that was suspicious?

Ans. No.

Ques. If he had given help to students, would it have been noticed?

Ans. If he stayed longer than was usual with any student it would have been immediately noticed.

Ques. Was he staying in the examination hall the whole time between 10 a.m. to 1 p.m.?

Ans. I do not remember; he might have gone out. If he had gone out frequently or for long intervals or left the college, it would have been noticed immediately. I would have asked him to explain why he went so long and where he had gone.

Ques. Therefore did he not leave the examination hall for any appreciable time on any of the three days?

Ans. I do not think so.

Ques. If he took out specimens outside, and brought into the examination hall any materials you would have noticed it. Is that so?

Ans. It is difficult to answer this question because all these are problamatic. I would not have put him if I had any occasion to distrust him.

Ques. I shall not ask any details about his statement, but can you tell me at all as to why he has accused himself so seriously?

Ans. He must have lost his mental balance. He must have been frightened by somebody or it is a plan hatched by some interested persons to have mud slung at the Professor, and at the Department.

Ques. Therefore are you sure from a previous knowledge of him he was incapable of doing this by himself?

Ans. I do not think he would have done or could have done it. If I had any indication of this, I would not have put him in the examination hall.

Sd.M.A.Sampathkumaran,
16th August 1941.

18th August 1941. Mr.Alwar Iyengar.

(Mr. A.B.Mackintosh was present).

Mr.Alwar Iyengar wanted to make a statement before his examination and said : I am extremely sorry for my conduct the other day when I had come here. I apologise for that. It is very kind of you for having given my another opportunity to explain the matters.

Q. What were your optional subjects in the Intermediate Examn.?

A. Chemistry, Botany and Zoology.

Q. Were you good in all these subjects or in any one of these specially?

A. I was good in Botany and Chemistry. I have secured more than 50% in Chemistry and in Botany more than in Chemistry.

Q. As between Chemistry and Botany, did you have any special liking for Botany.

A. Yes Sir, I liked Botany more.

Q. When you joined the honours class in the Central College, who were your teachers in the first year?

Mr.Alwar Iyengar: Excuse me sir, do you mean class lecturers or practical?

Q. Both.

A. Mr.Rangaswamy, Dr.Sampathkumaran, Mr.L.Narayana Rao and Mr.Kausik.

Q. In the second year.

A. Dr.Sampathkumaran, Mr.S.K.Narasimhamurthy, Mr.Seshagiriah. Mr.L.Narayana Rao took few classes before he went abroad.

Q. In the third year?

A. Dr.Sampathkumaran, Mr. S.B.Kausik, Mr.Seshagiriah and Mr.M.J. Tirumalachar.

Q. Were your relations cordial with these teachers during these years?

A. Yes, sir, except with one Mr.S.K.Narasimhamurthi.

Q. What was wrong with your relations with Mr.S.K.Narasimhamurthy?

A. Last year Mr.S.K.Narasimhamurthy was the treasurer for the Botanical Society. He wanted that a drama should be enacted, during the Socials. I and a few friends opposed him for spending money for enacting drama. After that he was not in friendly terms with me.

Q. Did you have any occasion to notice he was not friendly towards you as you have said just now?

A. He was not speaking to me as he used to do.

Q. Then the other members of the staff were all cordial towards you?

A. Yes sir.

Q. There is no reason to feel that Mr.Seshagiriah, for example, was not well disposed of towards you?

A. I have no reason to think so.

Q. Or Mr.Rangaswami?

A. I have no reason,sir.

Q. Will you tell me how you presented your class records?

A. I have written only four library note-books. I presented them, rather I showed them at home to my father and he asked me why I had written only four books. I told him that others had merely copied from the text books or made intelligent extracts of the text books or mere copies of other's notes. He saw them and asked me to take my books along with the other sets of note-books of a friend of mine to show Mr.K.N.Seshagiriah as to their work.

(At this stage the Vice-Chancellor suggested to the student he might refer to Dr.M.A.Sampathkumaran as "the professor" instead of as "my father". Mr.Alwar Iyengar pointed out that he showed the notes to his father at home)

My father was aware of the number of my books. When I took the books to Mr.K.N.Seshagiriah he was not in the room. The peon received the books.

Q. When Mr.Seshagiriah was not in the room did you leave any indication to show which books were yours and which were these of another student?

A. No. I later on wanted to explain to him when I met him.

Q. That means at the time the books were sent through the servant there was no indication as to your purpose?

A. I cannot follow.

Q. What I mean is you left no note, for example, saying you had brought the note-books of another student to explain their character.

A. I was quite sure to meet Mr.Seshagiriah during the college hours, but somehow unfortunately for me I did not happen to meet him to explain the matter.

Q. What was the interval between the day you sent the books and the day Mr.Seshagiriah sent for you?

A. It might be one or two days, sir, but I do not remember the number of days.

Q. Do you remember if Mr.Seshagiriah had taken leave on those days.

A. No, sir, I do not remember.

Q. Did you try to look for him on those days?

A. Yes, sir, as the examination was approaching I could not waste my time to search for him, and as I had a satisfactory explanation.

Q. Explanation of what?

A. To explain about the other's notes.

Q. When Mr.Seshagiriah sent for you, what did he say to you?

A. Mr.Seshagiriah was very wild and he accused me of cheating.

Q. In what way?

A. As passing of other's notes as my own.

Q. Did he support this charge of his in any way?

A. As the other students' books were in the same bundle as my notes he mistook.

Q. Did he not see the names of other students on the note-books?

A. Yes, sir, he saw.

Q. Then how could he accuse you as passing of somebody's notes as your own.

A. I cannot explain for that, sir. When I wanted to explain the matter he would not listen to me.

Q. You have said before that Mr.Seshagiriah was well disposed towards you.

A. Yes, sir.

Q. Is this not strange in that case that he should accuse you of malpractice when according to you the name of the other student could be seen on his books.

A. He must have mistaken about it.

Q. Were these note-books of the other students with you for any considerable time or did you get hold of them just before you sent them to Mr.Seshagiriah?

A. I used to borrow books now and then and they used to be in my possession for sometime.

Q. How long before you sent them to Mr.Seshagiriah did you borrow these books from the student concerned?

A. During Christmas holidays I took 4 or 5 books from him.

Q. That means you borrowed them even on earlier occasions.

A. Yes, sir.

Q. Do you remember how often?

A. I do not, sir.

Q. If you borrowed these books often and again borrowed them about Christmas time and kept them with you till you sent them to Mr.Seshagiriah, does it not mean you found the notes helpful?

A. Yes, sir. It was helpful to me to a little extent.

Q. Only a little extent?

A. Yes, sir.

Q. Then why did you borrow them so frequently and keep them so long?

A. When I was borrowing, he had no use for the books.

Q. And you had use for them?

A. and the books were lying on my table.

Q. Without being used by you?

A. Only once in a way I used to look into the book for some article which I had not copied or taken.

Q. In what other way can the library notes be made exeept to make extracts or summaries from books of reference?

A. The note books I was using were mere copies or extracts of other text-books.

Q. What do you mean by text-books?

A. The text-books are those prescribed by a Professor.

Q. The notes you used to borrow, did they consist mainly of extracts from text books?

A. Yes sir.

Q. And you found these notes helpful?

A. They were helpful to me to a little extent.

Q. Does it mean you were not using the text-books yourself, but depended upon extracts from them?

A. I used to use the text books.

Q. When you were having these notes with you for a long time e.g., from December to March, did you make any effort to protect them by covers and so on?

A. Yes, sir, as he was very particular about these books I did not want that they should be soiled.

Q. Did you write your names on these by any chance?

A. Yes, sir.

Q. Were these covers with your name on the books when you sent them to Mr.Seshagiriah?

A. Yes, sir.

Q. Were the covers by any change so put as to cover also the fly leaf with the student's name?

A. No sir.

Q. Was the, name of the owner to be found in any other part of the note books than the fly-leaf?

A. Yes, sir.

Q. Where?

A. At the end of the books.

Q. Nowhere else?

A. I do not remember sir. They may be found in the middle.

Q. What made you write your name on the cover of these books?

A. I did not want to write my name when I presented them. I merely had taken them to show and explain the matter to Mr.Seshagiriah, but when he was not there I wrote my name so that he may understand that I have brought them there. I wrote my name because that I wanted the books to be returned to me alone and not to the original owner of the book.

Q. You wrote your names on the cover on the day of submission and not on any earlier day?

A. I wrote my name on the cover on the day of submission and not earlier. I wrote only in the practical hall because - Mr.Seshagiriah was not there. If he were there I would not have written the name, but explain the matter and I would have taken the books back.

Q. What did you expect to gain by pointing out to Mr.Seshagiriah the character of these note-books?

A. To explain why I did not make many volumes of note-books.

Q. Then, as a corollary?

A. I cannot answer. I cannot understand.

Q. How did you expect your explanation to work in your favour , if at all?

A. I do not understand it at all. I thought he would understand my view.

Q. Did you expect him, to put it to you directly, not to undervalue your library notes?

A. I wanted that he should not undervalue my library notes.

Q. On which day of the practical examination did you cut your finger?

A. It might be on the second day or the third day. I do not remember.

Q. Seeing you had only 3 days practical examination, is it difficult to say which day it was?

A. As it is not an unusual thing we do not attach any importance to it.

Q. Did any others cut their fingers during those three days?

A. I have not seen them.

Q. If others had cut their fingers, you would have heard about that or seen it. Is it not?

A. As we had only three hours at our disposal(we) had plenty of wor to do. We will have no time to look at others' work.

Q. At least did you hear about it? You could have heard about it after the examination was over?

A. As it is a common affair we do not make much of it(discuss it).

Q. Then your cut must have been fairly serious since other students noticed it in the examination hall itself and were talking about it afterwards.

A. I do not know whether they noticed it or not.

Q. Did any body at all notice in the examination hall?

A. I do not know, sir.

Q. Did one of the examiners notice it?

A. I do not remember sir.

Q. Do you remember if one of the examiners asked the attender to take you a wet bandage.

A. No sir, I do not remember.

Q. Do you not remember, or do you mean to say you got no first-aid during the examination?

A. Our first-aid merely consists of applying tincture-iodine to the cut finder.

Q. Who brought it to you?

A. A servant brought it.

Q. Is tincture-iodine kept in the Department?

A. We use tincture-iodine as a stain. It is supplied to each table in the examination hall.

(At this stage Mr.Alwar Iyengar corrected his statement and said that no one brought tincture-iodine, but it was kept on the table.)

Q. Who were the examiners in the room the day you cut your finger?

A. Prof.Sabhesan.

Q. And?

A. Dr.M.A.Sampathkumaran

Q. Neither noticed you had a cut?

A. I do not know, sir.

Q. Was the cut cufficiently serious to affect your work?

A. Not very serious.

Q. You were able to complete the work assigned to you in the examination room?

A. Yes sir.

Q. Did you tell any one you could not cut the sections because of the injury since your fingers were cut with the very first material you took for sectioning?

A. I did not tell anybody, sir.

Q. Are you sure you completed all the work assigned to you then?

A. Yes, sir. I completed the work.

Q. Can you say whether the cut was at the beginning or at the middle or at the clost of the examination?

A. I do not remember when I cut my finger. Because we do not attach any importance to it.

Q. What are petri-diches?

A. They are small dishes in which the materials are kept. They will be thick and strong.

Q. I ask you once again whether you told anybody after you left the examination hall that because of the cut you could not complete the sectioning work.

A. No, sir. I might have told that I cut my finger, but I do not think I have told anybody that due to that I could not complete the section work. Most probably I have not said that. I do not remember exactly.

Q. If you had completed the work as you say you did, there should be no doubt in your mind as to what you said.

A. As it is a 5 months' old affair I do not remember, sir.

Q. You said you might have spoken to somebody. Do you remember who it might have been?

A. I am not quite sure whether I spoke at all, sir, and there was no change of my speaking about it.

Q. You spoke of mentioning the cut of your finger. Hence the question?

A. Yes, sir, I might have spoken about my cut.

Q. Do you remember to whom?

A. No, sir. I do not remember.

Sd.M.A.Alwar Thirumalaiengar,
21-8-1941.

19th August 1941. Mr.M.Sesha Iyengar.

Q. I want to ask a few questions about one of your subordinates in the Intermediate College, Mr.S.K.Narasimhamurthi. I want to ask what you know about him as a teacher and as a person; about his general character; his capacity for work and reliability.

How long has he been in the Intermediate College?

A. He has been for the last eight years. For some time he was in Mysore,

Q. In 1927 he was a teacher in the University Entrance class. You know him for the last eight years?

A. Yes.

Q. Had you known him before?

A. No.

Q. What is your general impression about him as a teacher of Botany?

A. He has been a fairly good teacher. He has not done any research work of a high order.

Q. Has he been a steady worker?

A. ~~Xxxxxxxxxxxxxxxxxxxxxxxx~~ He has been steady.

Q. I was told by some members of the staff that he did not got on well with his colleagues.

A. I should say that he got on fairly satisfactorily, not very good.

Q. What does it mean?

A. It means that each person used to complain against the issue of library books. There used to be some difference of opinion between him and his colleagues regarding departmental work.

Q. Who were they?

A. Practically everybody. There was a complaint that the departmental duties were not discharged very satisfactorily. He was the person in charge of the issue of library books. People used to complain that he was not issuing books properly.

Q. Was this man in charge of the library?

A. Yes, he was in charge.

Q. Who are his colleagues?

A. At present Dr.Srinath, Messrs.Tirumalachar and Ramiah.

Q. Have you had occasion to notice during 1940-41 any trouble between them?

A. That was only once: It appears that Dr.Srinath told him in the laboratory that he(Mr.S.K.N.) ought to be straight in his dealings.

Q. Did Dr.Srinath tell him this?

A. (Yes.) Mr.Narasimhamurthi got upset since his junior spoke to him in that strain in the laboratory.

Q. When was this?

A. Nearly a month and a half ago. It was afterwards reported to Dr.M.A.Sampathkumaran and Dr.Sampathkumaran told me to send for Dr.Srinath and speak to him on the matter.

Q. I am thinking of his personality before the recent incidents. I want to know your impression of the man up to, say, the 15th of February.

A. Quite normal.

Q. Did he show signs of any morbid behaviour, erratic behaviour, of doing foolish things?

A. I cannot think that he was a lunatic at all.

Q. Did you get the impression that his statements have to be vetted carefully?

A. I cannot say.

Q. Apart from the complaint against his colleagues, did he appear to be a man who would make false statements? Had you occasion, during these eight years, to find that he made false statements against his colleagues or any body else?

A. No.

Q. Generally speaking, did he strike you as being a man of eccentricity or who is unworldly, does not know what is good for him and behaves foolishly against his own interest?

A. With regard to Mr.Narasimhamurthi I would say that he should bea little more careful about his tongue. Barring that there is nothing eccentric in him.

Q. An eccentric man blurts out, talks voluntarily without any restraint?

A. He is only susceptible to a certain amount of excitement.

Q. You did not find a streak of abnormality - a man going out of control?

A. No.

Q. Is he feeble minded.

A. No.

Q. Did he strike you as feeble minded in his work or in his behaviour generally?

A. I had no occasion to test his feeble mindedness.

Q. Did it not come to your notice in any connection?

A. No.

Q. Except that he used to complain against his colleagues?

A. This is my impression, and I have told him:

(i) to have some kind of control over his tongue;

(ii) not to get excited;

(iii) to do his departmental work more systematically.

Barring these three things, I had never any occasion to complain against him nor have I complained to any authority till now. As canteen secretary, I found he was doing his work quite satisfactorily. That is a place which lends itself to hopeless excitement, I do not believe he ever got out of control.

Q. Would you say, apart from what has happened recently, that you had no occasion to feel that he was unreliable?

A. Yes.

Q. Supposing you had heard that he misbehaved in the examination hall or misbehaved towards his colleagues, would you believe it?

A. I have had no occasion.

Q. What have been your reports about him? Can you remember what you have remarked about him?

A. Fairly steady; work has been satisfactory. Beyond that nothing very special. As regards his 'excitement', I believe I have given my mind freely to him.

Q. Did he at any time tell lies against his colleagues, apart from his excited talk?

A. Not lies. There was the time of stock-taking. On each occasion of stock taking, the work was not done satisfactorily. Each man threw the blame on the other. Beyond shifting the responsibility of one on the other, there was nothing very abnormal.

Q. I want to know whether you thought any statement made by him was worthy of examination, or prima facie he is unreliable. What is your impression?

A. I cannot say he is a lier. He is a man who gets easily excited. As an example we may take the checking of library books. He would certify "checked and found correct", when actually 25 books would not be there. I used to give him instructions. He would say"I am sorry, I am doing my work carefully." He has a frenzy mood.

Q. "Frenzy mood" - that is important. It throws light on his character.

A. I would not use the word "frenzy". I take it back and say "excitement."

Q. To sum up: His work was satisfactory, his relation with his colleagues normal except that he used to get excited; generally he was reliable; possibly he would get excited when charged with any mistake or error?

A. Yes.

Q. But are you confident that during these eight years he was given to no lying, or making false statements. If you get any statement from him, would you prima facie say he has lied and that it should be taken with a grain of salt, or say that just as any statement by any other person's it ought to be examined?

A. It ought to be examined. I would not class him amongst liars.

Q. He was not feeble minded; not capable of saying things without a sense of responsibility, did not know what he was doing - is that the man?

A. Not steady.

Q. If he came and told you what happened in the examination hall, would you test the statement or say "he is a liar, I cannot believe it", or would say "it is as important as anybody else's statement."

A. I would say worth while examining.

Q. You would not say 'prima facie he is a lier, the statement is not worth examining' ?

A. No.

Q. You said there was a quarrel between him and Dr.Srinath. Do you happen to know the details?

A. No details, apart from these:

Q. Dr.Srinath told him'you ought to be straight in your dealings Mr.Narasimhamurthi got excited - an assistant to insult him in the laboratory! On the day of the College Council meeting I sent for Dr.Srinath and asked him whether he told Mr.Narasimhamurthi that he ought to be straight in his dealings. I did not ask what the matter was.

Q. Did you find out in what connection Dr.Srinath gave the warning?

A. I did not ask him at all. I said that discipline must be maintained in the college and that I did not care if he had told him anything outside.

Q. Did Dr.Srinath justify himself?

A. He said "I told it casually and did not mean anything serious."

Q. You do not know in what context that warning was given to Mr.Narasimhamurthi by Dr.Srinath.

A. I did not ask him.

Q. When was it?

A. Perhaps last month.

Q. Is it in July.

A. Yes (June)

Q. Give the date.

A. 2nd June 1941.

Q. Have you any idea in what context that warning was given?

A. Itwas not a warning at all.

Q. Adjuration or whatever it is?

A. I do not know the details. Informally I heard that Mr.Narasimhamurthi met the Registrar.

Q. I do not want the details.

Q. Has he been attending to his duties now?

A. He applied for five days leave.

Q. In the first week of August did you find anything abnormal or high excitement in him?

A. Nothing.

Q. Did he apply for leave personally?

A. He wrote to me and handed over the key of the almirah because he had scholarship and freestudentship applications with him.

Q. Did he explain why he wanted leave?

A. He had to bring a patient from Shimoga. One of his brothers was down with typhoid and he had to bring him. He had applied for five days' leave.

Q. Have you got that leave note with you.

A. Yes.

Q. We want it.

A. I will send it.

Q. When did he go away.

A. On Saturday.

Q. Did he come to College on Saturday.

A. He must have come.

Q. On the preceding days, you are positive that he did not appear abnormal or excited?

A. Nothing.

Sd.M.Sesha Iyengar,
22-8-1941.

(Mr. A.B.Mackintosh was present.)

Q. In what year were you appointed?

A. In 1927 I was working in the Collegiate High School. During summer vacation I was told that my name was recommended for appointment in the University. I did not get the Government order. I went to the University Office. Mr.B.M.Srikantia who was the Registrar gave me a copy of the appointment order. I joined the Intermediate College in Mysore on the 2nd July 1928.

Q. You have been in Mysore all the time, or had you come to Bangalore once before.

A. Three years in Mysore; then I came here.

Q. Are you working in the Intermediate College or the Central College?

A. All through in the Intermediate Colleges.

Q. Have you worked also in the Central College?

A. Yes, I am having work there for the last three years.

Q. With referd to the statement you made --

(Mr.Narasimhamurthy interrupts).

A. Before that I may be permitted to say that in view of the confession statement that I gave voluntarily before you on the 9th instant, the statement I gave you nearly sixteen days ago - I do not remember the date - in the Mathematics Block, may be treated as null and void.

Q. Before going to that, did you, after you came to my house and made a statement, make similar statements before anybody else.

A. Yes, I first met Mr.Seshagiriah and Mr.Rangaswamy together.

Q. Same day?

A. Same day. Immediately I came from your house I went to the Central College and went to their room.

Q. What happened?

A. I told them what I had done. Mr.Seshagiriah told me "You did not tell me anything about it thought I had come to know that there was some kind of irregularity."

Q. Is it on the 9th?

A. 9th. Mr.Seshagiriah said "I used to see you going to the professor's room every day. I thought you were Dr.Sampathkumaran's agent."

Q. Agent? Did Mr.Seshagiriah say that on the 9th?

A. Yes. On the 9th. He said "Now that you have said everything, it is clear. You have made your conscience clear in the right way."

Q. Did you go to anybody else?

A. I went to Mr.Kausik's room in the Scout Den.

Q. You came to me at about 9 and left at 9.30. I have written here 9.30 a.m."(Mr.Narasimhamurthy was shown the statement).

A. My confession statement went on till 9.30 a.m.

Q. I have written that here.

A. Yes. First I met Mr.Seshagiriah and Mr.Rangaswamy; then went to the Scout Den and met Mr.Kausik and Dr.Srinath.

Q. Had you any talk with them?

A. I told him that I had done this. They said something. I do not know what it is. Then thought of going to Prof.Sampathkumaran Mr.Kausik said that he was also going home and that I might follow him. I followed him.

Q. You went together?

A. We went together. Dr.Srinath went away towards his house. I followed Mr.Kausik to the Professor's house. I told him that I had been to the Vice-Chancellor and made a statement and gave him some more details. He said "if you tell the professor that you have done voluntarily, he might get angry, say that you met him on the way - just like that."

Q. Did Mr.Kausik come with you or leave you?

A. His house is first and then Dr.Sampathkumaran's.

Q. He did not come with you to Dr.Sampathkumaran?

A. No. I had not taken my food. I told him that I would take food with him.

Q. You saw Dr.Sampathkumaran in his house?

A. Yes, I went and tapped the door. He came to the verandah. I told him "I have made a confession statement before the Vice-Chancellor." He used some words, which I have put down in my letters to you and to Prof.Sampathkumaran.

Q. Are you going to stand by them?

A. Yes.

Q. I give you a chance to correct them or withdraw them.

A. I am absolutely sure that he used them.

Q. What happened?

A. I told him "I saw the Vice-Chancellor going on the way; I just happened to pass by; some how I got a feeling - a sort of fear, and I made a statement."

Q. What happened next?

A. He took me into the room on the left side. He gave me a chair and two sheets of paper. He asked me to write down. As I was writing, he made this statement: "Now you have involved all the students. You have brought bad name to Ananthanarayana Iyer, my best student." He was muttering.

Q. Is this what you wrote? (Mr. Narasimhamurthi is shown the paper) This is your writing?

A. Yes.

Q. He initialled in your presence?

A. He did not initial in my presence.

Q. You wrote only one sheet.

A. He gave me two; I wrote on one.

Q. What happened after you finished and gave it to him?

A. He said "This is all what you have written. Are you hiding things." I told him "I remember to have written a long one. This is all what I can remember now." He said "you should have a copy of such important things." I told him "I do not have one. I simply went there; it did not suggest to me."

As I was coming out of the room, he said "What made you do this." This was on Saturday.

Q. Had you seen him i.e., Prof.M.A.Sampathkumaran on Friday?

A. Yes, on Friday I had seen him at 2 o'clock. About Balli[illegible] incident. Mr.Seshagiriah remarked to me that some persons were saying that I knew more than I had already stated.

Q. Did Mr.Seshagiriah tell you directly who these persons were?

A. Mr.Seshagiriah did not tell me directly.

Q. Did he mention my name or the Registrar's.

A. He mentioned your name.

Q. Tell me coherently what happened.

A. Before I tell you what happened at this stage, I want to [illegible] what happened on earlier days.

Q. What happened on the 8th?

A. I met the Professor. He called me and I went to him.

A. At what time?

A. At about 2 o'clock.

Q. Did he send for you?

A. He called me in when [illegible] with Mr. Rangaswami

Q. What happened?

A. He told me something about Baliah in connection with library notes.

Q. What did he say about Baliah?

A. He said "Baliah seems to have told before Dr.Manjunath that in the note books of Bhaktavathsala Naidu at the end of each chapter there was some striking off done - Sri Jaya or so.

Q. The name was struck off?

A. It was something like Sri Jaya. That striking off was done by Baliah and Dr.Manjunath knows it.

Q. Baliah came and told him?

A. Baliah came and told Dr.Manjunath.

Q. Did Dr.Sampathkumaran make the statement all at once or after some conversation.

A. I do not understand.

Q. When you went to his room, he at once began the statement?

A. No. Dr.Sampathkumaran remarked "there is some thing new to-day" I said that if Baliah is called by the Vice-Chancellor, he might say something about practical examination and other details connected with it and then I might come to trouble

Q. What was his reply?

A. "Why will he speak about practical examination". He will only say about library books if he is asked."

Q. Did the interview come to an end?

A. He said "even if he should say anything more about practical examination, I am here to say that nothing happened. You are to say the same."

Q. Then?

A. I came out.

Q. That is on the 8th.

A. Something more, Sir. Since this question of library notes was connected with Messrs.Rangaswamy and Seshagiriah, I asked Mr.Rangaswamy in Kannada -

Q. You went to him?

A. Yes, he was nereby

"[illegible]"

Q. What was his answer?

A. "I do not know. Mr.Seshagiriah must have looked into details. I shall ask him.

Q. Will you now resume your account of what happened on the 9th in the house of your professor?

A. He made the remark which I have mentioned in my letter to you.

Q. You have told us that you had given him your statement and were about to leave. What happened afterwards.

A. I left him and went to Mr.Kausik's house.

Q. You had your food and talked with him?

A. Yes.

Q. Tell us what happened.

A. I told Mr.Kausik something which I gave to the Professor. He said, "you have written all." I said, "I wrote what all I remembered at that time, as I was confused." That is what I told him. After food, I cooled down and told him one or two incidents in addition to what I had written.

Q. What are they?

A. I mentioned about Mr.Bashir Ahmed Khan's ~~xx~~ incident. I mentioned also about something that might have been done in previous years. I came out.

Q. Did Mr.Kausik make any remark on what you told him?

A. No.

Q. Any remark about your condition - whether you were excited?

A. No. I went away to have a shave.

Q. Did you make any remark abour your condition?

A. No.

Q. Anything more of what happened the same day?

A. I came to the Intermediate College and was going home through the Cenotaph Road.

Q. Is that the road to your house? You are in Malleswaram. It looks very funny. It is not the road to Malleswaram.

A. I pass through Cubbon Park.

Q. Even Cubbon Park is not on the way of Malleswaram.

A. I passed through the Cenotaph Road. I met Mr.Seshagiriah near the turning. I followed him to the Cubbon Park. We went to the restaurant. I told him what I had done. He said, "You have done a great mistake. Foreign examiners will come to trouble. You have mentioned about previous years. It means the prestige of the department is at stake."

I told him "I have taken a bold step and have done what I thought best. I should have done it before. The time has come and I have taken a bold step."

Q. Did you see anybody else?

A. No. I left him and went home.

Q. Make sure. Did you meet anybody after 6 o'clock? Did you come and see me that night with your father?

A. Yes. I have forgotten. Before that I saw another gentleman - Dr.B.Sanjiva Rao.

Q. Why did you conceal both these things?

A. I was thinking of the road.
My father came to my house at 6.30 and asked me "what is the matter."

Q. How did your father know?

A. I think I told him.

Q. After he came?

A. My father was there. I took him out and told him.

Q. Whereto?

A. I was on my way to your house. I passed by Dr.B.Sanjiva Rao's house. As I was going, I told my father what I had done. He told me "you have done a bad thing. You have let down the prestige of the department and you may yourself come into trouble.

As I was passing by Dr.Sanjiva Rao's house, his car went in. I went to his house and called on him.

Q. Did you mention any of these things to Dr.Sanjiva Rao?

A. I first gave my name. He sent word - whether Mr.N.K.Narasimhamurthy or Mr.S.K.Narasimhamurthy? I said S.K. - he said "I am going to pooja, you can see me later." Then I told him that the matter was important. He took me to his room. My father followed. He said, "Yes, yes, it is really very strange, startling. You should not be here. People will go on questioning you. In my opinion it is best that you go away.

From there we came to your house.

I did not tell you about my meeting Dr.Sanjiva Rao. You remarked "you have taken a line of action that you think best. Things will take their own course." My father said about the prestig of the department. You said "Do you mean to say that your s

should keep things out? We had a suspicion. We wanted to clean this department and the department of History.

Q. Did I mention the other department?

A. Yes. You said, "This is a very necessary thing that we wanted to do." Sir, in fact, the other day as soon as I returned from the interview in the Mathematics block, I heard that you had remarked "this man knows more than he tells us."

Q. Did'nt you say that you wanted to go on leave?

A. This idea was put into my head by Dr.Sanjiva Rao. He said 'You may be called for an enquiry on Monday, then you may decide.'

Q. When you made up your mind to make this statement and give it to me in writing, were you aware of the possible consequences to you?

A. Yes. I was aware.

Q. Did you know it was possible that you might lose your appointment?

A. I knew that it was possible. Yes I took the risk because truth might come to light any day.

Q. Then what kept you from not telling the truth on the earlier day?

A. In fact more than once a day for the last, perhaps, two months since the college reopened I was seeing Dr.Sampathkumaran. Either I used to tell him something or he used to tell me something about this affiar, and I had made my mistake clear to him(Prof.Sampathkumaran) on "two occasions." I have mentioned the two occasions already. But on a third occasion I met him he had asked me to keep it within myself.

Q. Do you mean to suggest that when ~~you were~~ first examined you kept back the truth?

A. Exactly. He had sent word to me through Mr.K.N.Seshagiriah on Saturday, two days before my examination.

Q. What did Mr.Seshagiriah tell you?

A. Mr.Seshagiriah came to me on Saturday and he said in Kannada "Be prepared, of course, he has told you all points." "Yes, of course, " I said. He first went to Mr.Rangaswamy's house and then came to my house. I gave him tea at my house and afterwards he went away. After he left I wrote for myself, I thought it best, a panel of questions and answers and I brought it to my professor's house(Dr.Sampathkumaran) about 3 o'clock. He had sent word to me with Mr.Seshagiriah to go to him and so I said, "here I am with these links what I had done and what I have written. I read it out and later tore the (fair) paper (after the first enquiry). (I shall procure the bits of the paper). After I read out the whole, he suggested one or two alterations here and there, and he said I could go

Q. So do you suggest previously you did not tell the entire truth on the first day of the examination, because you were asked by the Professor to suppress certain facts?

A. This is a definite and certain statement.

Q. What happened between the day of your first examination and the 9th August, that made you or induced you to come to me and to make the confession to me as you call it?

A. (Every day I was going to Prof.Sampathkumaran and he said "I am hereto protect you, and so on." He showed me in fact - here the speaker was asked to answer the question).

I somehow thought that the truth would come to light. The last stroke that impelled me was Mr.Baliah's incident. Of course my wife was giving me every day courage.

Q. What is the reference to Mr.Jagapathy Naidu?

A. After earlier enquiry was over, Mr.Seshagiriah was going near the Central High School and Mr.Jagapathy Naidu remarked to him in Kannada "You have told the entire truth, but in the end you have not told the truth and you have kept by something." Mr.Seshagiriah told Mr.Rangaswamy who told me , and I cannot be sure what the exact words were-

Q. When was this?

Q. A few days before my statement and a few days after the enquiry. That is one thing that gave me courage. Mr.Seshagiriah told me just after the examination. So I thought Mr.Jagapathy Naidu evidently cast hints at this, that is something about the practical examination. I thought Mr.Jagapathy Naidu wanted to insinuate me and my work in the examination. My wife's advice and the feeling that Mr.Jagapathy knew about my work in the Examination hall and finally the incident of Mr.Baliah all these impelled me to come and make the confession, and I felt every day I must tell the truth.

Before the enquiry proceeds further I want to add to what I have said already in my statement.

Q. What is it?

A. On the first day of the practical examination Mr.Vyasaraja Rao made this remark, with reference to one plant which I had left there earlier in the presence of Messrs.Jayarama Reddy, Bashir Ahmed Khan, Vyasaraja Rao and M.A.Sampathkumaran, afterwards when I came to him, he made a remark as follows to me : "Alwar had come to me a few minutes before the practical examination : He said a plant of the family I was working at, might have been set in the examination : Now that that plant is here(name of the plant Enecostemma)". I said, "Is that so." He said "He might have known it before, I think." I have mentioned in my statement that I went to my Professor's room twice when he was in the Principal's room. I went to him a third time. This was ~~was~~ after my talk with the Registrar. I told him I had given tips to all students and some one or other might tell this and if anybody should be asked in this connection some body would give out and they might go to the extent of saying I helped only Mr.Alwar. Then he remarked, "Yes, yes." He referred to Mr.Khaleel Ahmed's incident and said, "You should not have done that, but now it is done you can simply keep ~~xxxx~~ quiet. I think there will be no trouble about it."

Q. Was this after the results were withheld?

A. Yes, long after that.

Sd.S.K.Narasimhamurthy,
23rd Aug.1941.

20th August 1941. Mr.S.B.Kausik.

Q. What is your full name?

A. S. stands for Srinivasa Iyengar, and B. for Bangalore.

Q. You have no name of your own?

A. I had a name formerly - Shamanna. I changed it.

Q. How long have you been in Bangalore?

A. Since 1928.

Q. About the time Mr.S.K.Narasimhamurthi was appointed?

A. Yes.

Q. Have you been in Bangalore all the time or were you at Mysore?

A. I was not in Mysore; all along I have been in Bangalore.

Q. Central College of the Intermediate College?

A. Central College.

Q. This is your statement(The witness was shown the statement).

A. Yes.

Q. Where was this typed?

A. This was done on the typewriter of the Department.

Q. What was the occasion to make this statement?

A. On Tuesday, the 12th, the Professor asked me to take Mr.Narasimhamurthi's class because he was absent. I did not know that Mr.Narasimhamurthi was absent. I asked the Professor whether Mr.Narasimhamurthi was not taking the class. Then he said "We do not know, you might have to continue the classes."

Q. How were you led to make this statement?

A. Mr.Narasimhamurthi's attitude on the previous Sunday was fresh in my memory-

Q. I want the sequence of events after the profrssor met you.

A. Since some incidents noted in the statement were fresh in my memory, I told the professor that Mr.Narasimhamurthi mentioned to me that he seriously felt like comitting suicide the previous night. These incidents were fresh in my memory. I told the Professor about the statement that Mr.Narasimhamurthi made. He asked me what else he told me - what remarks I heard from Mr.Narasimhamurthi. I told the professor what I knew. He asked me if I was prepared to write it out, that is, what I had told the Professor. I put down in writing what I knew and signed it.

Q. At what time was this?

A. It was about 12 or 12.30

Q. This is the genesis of the statement?

A. Yes.

(At this stage the witness was asked to read his statement beginning with the first paragraph).

A. Is that true?

A. Yes.

Q. Did he tell you that? Or did you tell him to say that?

A. He told me.

(Here the Vice-Chancellor read the evidence of Mr.Narasimha murthi on the point).

Mr.Kausik: I did not prompt him to tell.

Q. I want to you to be positive. If you have advised him, do not conceal it.

A. He came and told us. I did not advise him to make this confession.

(Here the witness read the next statement, and said that it was true).

Third Paragraph: The witness said that he was very clear that this was what Mr.Narasimhamurthi told him.

Fourth paragraph.

Q. Having put so much in writing, how do you account to have said that you dispersed after this talk with Mr.Narasimhamurthi and do not say that Mr.Narasimhamurthi went with you towards the Professor's house? What are the facts? Is that correct? - 'dispersal' after talk?

A. We all dispersed from the Scout Room. I said that I was going home. Mr.Narasimhamurthi waid that he was going to the Professor and that he would accompany me.

Q. How did you omit that statement in writing?

A. I did not feel it necessary.

Q. Will you tell us what happened when Mr.Narasimhamurthi went with you towards Shankarpur? Did you have any talk on the way? Did you walk?

A. We went on cycle. He was telling me the same thing - repeating all that he had said at 10.30. He wanted to go and see the Professor. I told him that the Professor might not be at home, that he might be in the college. He said that he would take a chance.

Q. What happened then?

A. I turned towards my house and he went towards the Professor's house.

Q. Did you see him again that day?

A. Yes.

Q. When.

A. At about 4 o'clock.

Q. Not before-

A. No.

Q. Did he not have food with you that morning? Do not tell a lie I warn you. This is the second time that you are suppressing things.

A. Yes. I am sorry I did not take notice of that.

Q. What is your motive in suppressing these things?

A. I have no motive.

Q. It will be noted. Was it a lapse of memory? It is serious that you do not remember a man came to you for food. I give you one more chance.

A. I think it is a lapse.

Q. At what time did he come to you?

A. It must have been past 2 o'clock.

Q. At what time did you part from him in the morning?

A. I parted from him near my house at 12.30.

Q. Mr.Narasimhamurthi came to you at about 2 o'clock?

A. About 2 o'clock.

Q. What happened when he came to you?

A. He told me that he(Mr.Narasimhamurthi) told the professor about the particular interview he had with the Vice-Chancellor.

Q. Suppression of what happened throws doubt on your bona fides.

A. He told me that when he saw the professor, the professor did not receive him properly and that he told about the interview with the Vice-Chancellor.

Q. Do you remember Mr.Narasimhamurthi telling you that the professor used abusive words? Did he give you any details of the professor's expression?

A. He did not give.

Q. He simply said that the Professor did not receive him well?

A. He said that the professor was angry with him. I told Mr.Narasimha murthi that I would meet him again at the college. But I did not meet him.

Q. Had you finished your food when you give him food?

A. I gave him food afterwards. Yes, I had finished.

Q. How long did he stay with you?

A. For ten or fifteen minutes.

Q. You met him again at 4 o'clock?

A. I could not come to the college.

Q. A little before you said that you did not see him till 4 o'clock. Now you are saying that you did not meet him at all. Which is true? Meeting him at 4 o'clock or you did not see him at all again?

A. 4 o'clock at the house.

Q. I am afraid. You are fabricating your statement, your attitude is not very satisfactory. On a small matter of fact, you are making lapses. I want to give you a chance of telling the truth. Nothing will be gained by suppressing truth. It makes me wonder why you are not straight forward and frank.

A. I never met him afterwards in the college. I met him only at home.

Q. Did you meet him again on any other day?

A. Next day - Sunday morning.

Q. Where.

A. At the Boys Scout Headquarters.

Q. What happened?

A. He was looking rather depressed.

Q. In the statement you say 'disorderly.' What do you mean by it?

A. Yes, hair dishevelled, no sleep, only a dhoti and a coat; no footwear. I asked him what the matter was.

Q. Why did he come there that morning? What was the cause?

A. Because we had arranged a march-off to Vasantapur.

Q. Did he go with you?

A. No.

Q. Did he explain why he came in that queer costume?

A. He said that he was feeling like a desperate man - that everything was lost for him, that anything might happen. He ~~said~~ he also felt like committing suicide. I told him that he ought not to get into that mood; that he might come to the camp with us as he had told us. He said that he would go home and come to the camp and meet us at Vasantapur at 10 o'clock. But he did not come. We took our food at 12 o'clock. Till that hour we were expecting him. I made a remark to Mr.Reddy.

Q. which Mr.Reddy?

A. Mr.C.Jayarama Reddy.

Q. Was he with you?

A. Yes. The ramark was that Mr.Narasimhamurthi promised to meet us at Vasantapur and that he did not come to the camp.

Q. Did Mr.Reddy see Mr.Narasimhamurthi?

A. He must have seen him.

Q. You did not see Mr.Narasimhamurthi again on Sunday?

A. No.

Q. On Monday had he work in the College?

A. I think he had work.

Q. Did you have occasion to discuss the examination affairs with any body in the department? Have you discussed these matters eithe recently or sometime before with any of your colleagues?

A. I just asked Mr.Narasimhamurthi some days after the examination that I heard the rumour that something irregular took place in the examination.

Q. How soon after the examination did you ask this question?

A. About a week after.

Q. Was it about the theory part of the practical part?

A. Practical.

Q. What was the irregularity?

A. That some materials were passed out of the examination hall and that help was rendered from outside, that Mr.Narasimhamurthi was responsible for them.

Q. Did you happen to hear who the candidate to be benefited were?

A. Several candidates' names were mentioned.

Q. Did you hear who the helper was?

A. That one of them was Mr.Narasimhamurthi.

Q. Who were the others?

A. Mr.Bashir Ahmed Khan and Mr.Sampathkumaran.

Q. What was the nature of help rendered according to the version you heard?

A. That bits of materials given for sectioning were taken out of th examination hall; sections were prepared outside and passed into the examination hall.

Q. When was this? on the first, the second or the third day?

A. It may be the second day.

Q. In the previous years you have assisted at the examination. Can you remember whether sectioning work was done on any particular day or it may be on any one of these days?

A. No definite day is fixed. On the first day plants are given for identification because they came from Madras. On the second and third days section-cutting and identification of slides may be alternated.

Q. Is it the second or the third day?

A. I think it is the second day.

Q. Were you in the Botany Department on the examination days?

A. I was in the Botany Department on all the three days

Q. Were you present in the department during any part of this year's Honours practical examination?

A. I was there on one day.

Q. Which day?

A. It is the first day.

Q. Can you tell me if anything unusual happened on the first day? Do not say that I heard and so on. I only want you to tell what happened within your knowledge and experience. Did anything ususual happen when you were present in the Botany Depptt?

A. I was in the room towards the garden (the corner room). I used to be working on my own specimens. I found Mr.Narasimhamurthi tapping at the door. I asked him if the examination had started.

Q. What time?

A. It must be about 11 o'clock.

Q. Was not the question unnecessary?

A. I asked the question casually. He said that we might go for coffee. We went out for coffee. I asked him how the examination was - whether tought or not. He said that the materials were easy and that they were able to answer, excepting one particular plant which he himself did not know. When we were taking coffee a servant came and said that the examiners wanted Mr.Narasimhamurthi. He went away.

Q. Do you know the name of the servant?

A. Kempa.

Q. Then?

A. I want to my room; closed my work for the day and went home.

Q. Were you by any chance in the group of teachers and M.Sc.students on the first day who are said to have asked Mr.Narasimhamurthy what specimens had been set for identification?

A. No.

Q. Did you find out which specimen it was that Mr.Narasimhamurthi sould not identify.

A. I did not find out.

Q. You never had the curiosity?

A. I was busy with my own work?

Q. You said you went out for coffee. For what length of time was Mr.Narasimhamurthi absent taking the time he came to you up to the time be returned?

A. Ten minutes.

Q. You said you heard all this episode about sectioning. Can you say who told you that?

A. Some students. I do not remember the names.

Q. Any examination candidates?

A. Other students.

Q. Will you try to remember at least one student who told you? You said several students. You ought to be able to remember the name of at least one of them. The information must have come to you in the course of conversation. You must have been talked to.

A. I do not exactly remember who told me.

Q. You cannot remember the name of one student at least? Were they Botany students?

A. Yes, Botany students.

Q. You know they were students but cannot remember the name of any one of them?

A. I do not remember.

Q. Were they Honours or pass students?

A. They must be honours students.

Q. Why <u>must?</u>

A. Because it is usually honours students who will be near the Department.

Q. Is there anything you would like to say that can throw light on the last Honours examination in the department of Botany.

A. When I asked Mr.Narasimhamurthi if such a thing happened, because he is the man connected with it, he said that nothing happened. Some days later when Dr.Srinath, Mr.Narasimhamurthi and I were taking coffee, Dr.Srinath put the same question if anything happened. Mr.Narasimhamurthi said that nothing happened.

Q. This was before the results were published or after?

A. I think it is after.

Q. When Mr.Narasimhamurthi met recently and told you that he made a confession statement, did it not strike you to tell him that he was contradicting himself?

A. It did not strike me.

Sd.S.B.Kausik,
24-8-1941.

(Mr.A.B.Mackintosh was present).

Mr.S.K.Narasimhamurthy said at the outset that he wanted to add something to what he had said the previous day. He said, "We had a talk about my talk with the Registrar which I had mentioned to Prof.Sampathkumaran. The Professor has got an abstract of my conversation with the Registrar which he insisted on my writing before him in the Professor's room on the 30th of May 1941 which fact I have brought to the notice of the Registrar. While I gave a verbal statement of it before actually writing down, the Professor said, "You have not told pointedly. You have wavered and I conclude there is something very loose about." Then he asked me to write down. I wrote it down. He asked me further "Is this all what you said or have you said anything more." He was then rather in a hurry to go. It was about 12.30 p.m. I said something more about the details, but these are the important portions of it, but there might be some minor details. Then told me to conclude the writing : "this is as far as I remember the conversation that took place between me and the Registrar" and took that manuscript. He then asked me to write it down for myself which I said I could myself do it and he said just a few points about it and went away. I wrote it down to the best of my memory and typed it and gave him a copy. He asked me to send the other(duplicate) copy directly to the Registrar. I told him I have already done one breach of trust because the Registrar had asked me to keep it confidential. Then the Professor remarked "there can be no confidence from me because you are my subordinace. Everything must be told to me." I gave him a copy requesting him to forward it to the Registrar if he himself thought it fit, and I have a copy of it with me which I will bring and show it to you. That is the last interview with the Professor.

The Vice-Chancellor said, "I must come to the incidents you have mentioned in your statement. I will take the statement you have given me.

Q. I want to ask you first of all about your absences from the examination hall. You have said in your evidence first before me that you used to take permission from the examiner to go out for food, etc. Can you tell me roughly how often you used to be absent yourself from the examination hall?

A. I used to go out for coffee. I used to go out and come very frequently.

Q. How long would that take?

A. About 10 or 15 minutes.

Q. Did you go out for any other purpose?

A. I used to go to the Intermediate College just to see if anything was to be done there

Q. But you were allotted work in the examination hall and what made you to go there?

A. On the very first day before the examination commenced the Professor called me to his room and gave these instructions : "You have to get some plants and keep the information confidential and bring in specimens that you may have to buy from the market and just help us in the examination hall."

Q. When did he tell you this?

A. Before the examination; some days before.

Q. Can you say if you were absent from the hall on the first day?

A. Yes. Three or four times.

Q. Did you take the permission of the examiners when you went out each time?

A. No. I was not taking permission.

Q. You have said here: "I was taking permission and I used to go, and now you say you were not taking permission. "Which is true?

A. What I have said the other day is not correct.

Q. Then did the examiner not notice your absence and ask you why you were absent?

A. No.

Q. Did not the professor notice your absence? and ask you why?

A. No.

Q. Can you tell me approximately what was the longest absence - half an hour?

A. Yes. I went out for food.

Q. Where?

A. In the corner room towards the garden.

Q. When you were absent like this, were you sent for on any of these days by the examiners or the professor?

A. No.

Q. On no day whatever?

A. No.

Q. The day you went with Mr.Kausik to Coffee?

A. No. When the examiners themselves went out for food they used to ask me to be in.

Q We have been told that on one of the days you went out with Mr.Kausik to the tiffin room and when you were there, you were sent for, and did you leave the room.

A. It is a fact.

Q. Just now you said on no day you were sent for. Which is true.

A. Yes, it is true.

Q. Was it because they wanted to have their food?

A. Yes.

Q. Were you going out on all the three days?

A. When they went out for food, I was there on all the days. In the examination hall there used to be two examiners. Mr.Seshagiriah was also in the examination hall.

Q. Can you tell me which day Mr.Seshagiriah was in the examination hall?

A. Since his room was on the other side, I could not see. He used to pass through the examination hall now and then.

Q. What was he doing when he was staying there?

A. He used to assist in the distribution of plants, etc.

Q. Did there not used to be two examiners in the examination hall or near by?

A. Yes.

Q. Were they able to overlook or watch the hall?

A. Some times they did not see.

Q. Why not?

A. One examiner and Mr.Seshagiriah used to go away for food together.

Q. Which examiner?

A. The foreign examiner and Mr.Seshagiriah took food together, and when they came to the hall I used to go out.

Q. Did the Professor used to be in the Principal's room or in his room leaving you entirely along in the examination hall?

A. Yes.

Q. So what you said previously is not correct. Were you used to be left in the hall, for a considerable time, of the practical examination for hours?

A. Yes.

Q. Honours Practical : You say that for considerable periods of time you were the only member in the examination hall. Is it so?

A. Yes. Sometimes the maximum time was about 15 minutes and after they came I used to go out and be out for hanf an hour or so.

Q. You mentioned just now about being paid for examination work.

A. Yes.

Q. Was this from the University direct?

A. No.

Q. Was it for the Honours examination?

A. Both for the pass and the honours, I was promised some money.

Q. Who made the promise?

A. The Professor.

Q. Was it oral or in writing?

A. Oral.

Q. What portion of their remuneration, were you promised.

A. As per precedents the preparation charges.

Q. What are the precedents?

A. As I learnt from Mr.Rangaswamy, he told me that he was paid some amount, but not the entire amount as it was due according to the number of candidates examined. But this year I have not yet been paid any money, for the honours preparation work so far.

Q. Have you been paid for the pass examination?

A. Yes. I was paid Rs.23-2-0 to me by Mr.Krishna Iyengar, and the odd annas are accounted for by the fact that a deduction was made towards the income tax, from the share due to me in his bill for preparation work. Mr.Seshagiriah has paid me Rs.5 stating that he would pay the rest in consultation with the Professor as he has spent some incidental charges in connection with the examination.

Q. You said you were asked to bring certain plants and so on. Was it for the first day or the second or the third day of the examination?

A. All the days.

Q. Is it not a fact that on the first day they used the specimens brought by the external examiners?

A. Yes. General instructions were given to get some plants but they were not used always.

Q. Did you produce a bill for the money you spent?

A. No.

Q. When you bought from the market, how much did you pay.

A. For the Honours examination only just a little. I think it may be 0-12-0 or even 0-8-0

Q. Did you bring all the specimens for the examination?

A. I bought some.

Q. What did you pay for them?

A. I paid one day Re.1-0-0 and the second day 0-8-0 and all totalled about Rs.2-0-0. I think.

Q. Have you been paid for it?

A. Yes. An advance was paid to me

Q. How much did you get.

A. Rs.10.

Q. How much did you spend?

A. I spent about Rs.2-0-0 and odd towards cooly and some money for servants and I think I spent about Rs.4.

Q. Did you help the students in the examination hall on all the three days or only one some of the days?

A. I think on all the three days?

Q. What was the kind of examination that took place on the first day and what was the kind of help you gave to the students?

A. Identification of the plants and a few section cutting and the rest were preserved materials kept for identification. I gave help in the identification of plants.

Q. Which day were the slides given?

A. Of course, slides on all days.

Q. On the first day which part of the examination did you help?

A. Identification of plants.

Q. Did you find yourself on the first day unable to identify all the plants?

A. At first, I could not identify one.

Q. Which plant was it?

A. The plant was Enecostemma.

Q. Was that the plant which Mr.Vyasaraja Rao was working at?

A. Yes.

Q. You did not ask him to identify?

A. No, I did not know it. I left it there when I came later, he had made the remark I made yesterday.

Q. Did any student ask you to kelp in identifying that particular specimen?

A. No.

Q. You said Mr.Alwar asked you to identify the plant. Did you help him?

A. He was looking for the reference book and he pointed out something which I was sure it was not that. So I said no, but later on when he was somewhere near the mark and pointed out, I said it may be.

Q. When you were speaking to the candidates like this, did not the examiners notice this.

A. They were not in the hall. They might have been in the rooms or might have gone out for food.

Q. Did not the other students notice you were helping Mr.Ananthanarayana Iyer?

A. Yes. They also solicited for similar help and I helped them.

Q. Did you mean to say the examiners were not looking at the candidates?

A. Yes.

Q. When did they generally go out for food?

A. About 11 o'clock they went out for food. The examiners could not watch the candidates at work.

Q. You helped the candidates to identify the fresh specimens on the first day. Then on other days what kind of help did you give?

A. Only identification and only in this.

Q. Not as regards slides or sections cutting?

A. No.

Q. Did any of the candidates come to grief, faint or fall ill, etc., on any examination days?

A. On the first day Mr.Alwar got a cut.

Q. How did you come to notice it?

A. I noticed it when the servant brought a bandage and tied it to the cut.

Q. Did the servant came in by his own accord?

A. Mr.Alwar called for help.

Q. Was this a serious cut?

A. Yes, sir, and the next day he came to the hall with the bandage on?

Q. We have been told that this took place on the third day.

A. No. It is the first day.

Q. Do you remember seeing him coming to the examination with the bandage?

A. Yes. It must be on the first day or failing that on the second day definitely.

Q. Do you think he was able to do the section work?

A. No.

Q. Do you know what happened to his section cutting?

A. I do not know.

Q. Did anybody help him?

A. No. I do not know.

Q. We have been told that when the section to be cut was taken out to the next room you were present and some one made the sections and put them into petri-dishes and you were on the spot.

A. No. I did not notice.

Q. Are you sure?

A. Absolutely sure. The only help I gave was identification,but not the slides nor the cutting the sections which I did not do nor did I see anybody doing it.

Q. Did you at all go to the herbarium room?

A. I went there on the first day.
This rumour which I heard I wanted to bring to the notice of the Professor. I told him that, Mr.Kausik told me some days back and Dr.Srinath also told me he had heard this. I cross-examined the servants and they denied the whole thing, saying "after serving so many years do you think that we do so" and so on, but one of them seemed slightly flurried.

Q. Who is this servant?

A. Latcha, the other man was Kempa and the third man Venkataswami who is incapable of doing such things.
After that incident I have to say something more. I went and reported to the Professor and he said, "that is all right. There is nothing to be worried about it. Only this year, after all the trouble started." He just had told me, "if you hear any rumour let me know."

Q. When was this? Was this after withholding the results after or before?

Q. There was absolutely no talk in the Department till the results were published.

Q. You heard from Dr.Srinath and Mr.Kausik something about the examinations. Was it after the results were published or before?

A. After the results were published.

Q. Did you hear anything about the examination not being perfectly normal before the results were withheld?

A. Mr.Kausik drew my attention to the third day of the examination. He told me this, that Mr.Alwar had come to him the previous night and he said that Mr.Alwar told him that "I have done well and that I managed to secure very well" and so on. Then Mr.Kausik put him the question in Kannada, "Were not the examiners in the hall, was not Mr.Narasimhamurthy in the hall?" To which Mr.Alwar replied, "the examiners were used to go out for the most of the time and Mr.Narasimhamurthy was there sometimes and sometimes he was not there and even if he were there he would not care" and so on.

Q. Does it mean that Mr.Alwar told him or he boasted that he had done well by illicit means? Is it likely a candidate would go to a member of the staff and tell this?

A. Then Mr.Kausik's remark was, "if you go on saying this the man that will come to trouble is your father and have your mouth shut" are the words used by Mr.Kausik to Mr.Alwar.

Q. And he told you this, when?

A. On the third day of the examination, or may be in the examination time itself. Then my reply to Mr.Kausik was 'I have not noticed any kind of illicit kind of work going on." At that time I did not tell him I helped Mr.Alwar and though later on told him that I helped him. So how could I go and report to the Professor? Even if I should complain he might ask me when I have not seen it why I should report it to him. As we know he has been very lenient with regard to the valuation of the practical records of Mr.Alwar.

Q. What do you mean by that?

A. Mr.Rangaswamy has told me the irregularity in the practical records of Mr.Alwar.

Q. When did he tell you this?

A. Just a little after the corrections were over - before the practical examination took place.

Q. What was the irregularity mentioned to you?

A. Mr.Alwar produced as his library records note-books of Mr.Bhakthavathsala Naidu and had covered the note-books and had written his own name, etc., and even as regards the drawing sheets he might have done similarly, I do not know. Mr.Seshagiriah said that he had brought to the notice of the Professor by giving no mark under that head and that a few days later the professor came and told him that he has seen Mr.Alwar's library records and other things and that the professor gave Mr.Rangaswamy a few of Mr.Alwar's own samples.

Q. You say you came to know that Mr.Bashir Ahmed Khan sent slips of paper giving information to the candidate. Is it so.

A. This must have happened on the first day.

Q. How do you come to know-

A. Mr.Kausik told me this, in fact, Mr.Kausik's version. When I went to him on the 9th when I mentioned to him this incident and also said that I forgot to write it in the statement which I gave before the professor he said, "I told you this, I think Mr-Jayarama Reddy or somebody might have told this to me."

Q. When did Mr.Kausik tell you this about Mr.Bashir Ahmed Khan was helping the students.

A. I think a few days after the examination and before the results were published, I think it must be and I cannot be sure.

Q. If any one brought any sections in petri-dishes into the examination hall, would you have noticed it.

A. I would have noticed it, but I did not notice it.

Q. Are you sure you took no part yourself in giving that help?

A. Absolutely no.
And after I left the Professor having reported about the servants' conduct at the examination I came to the department. I met Mr.Jayarama Reddy and told him that I heard such rumours and I just then enquired of the servants and that the servants denied having done anything which I reported to the Professor. Mr.Jayarama Reddy told me " O! I noticed some such irregularity and I warned Mr.M.A.Sampathkumaran the other day when he was doing this, but he said nothing would happen." Mr.M.A. Sampathkumaran was in the Department and I said "Sampathkumaran is in the department, we will all talk about it." We went to Mr.Seshagiriah's room. There we three sat, and then Mr.Jayaram Reddy remarked to Mr.M.A.Sampathkumaran as follows:-

"Look here, I told you the other day 'don't do this and you will get into grief. You were doing the sections and handling the slides when Mr.Sampathkumaran remarked, "O! everything will be all right, and there will not be any trouble."

Q. Was this before the examination results were published?

A. Yes. Sir. (No.)

Q. Then what happened?

A. Mr.Sampathkumaran said to Mr.Jayarama Reddy, "This is nothing, this was going on during earlier examinations."

Q. You had examined the servants and got their denial and you reported to the Professor and shortly afterwards you heard damaging statements both from ~~Mr.Xxxx~~ Mr.Jayarama Reddy and Mr.M.A.Sampath kumaran. Did you not tell the Professor?

A. Somehow I did not do it.

Q. Does it not cast some doubt on your veracity?

A. It did not occur to me.

A. You got negative results on the first enquiry and immediately afterwards you heard a confession made by Mr.Sampathkumaran that nothing mattered. Was the professor in the college at that time?

A. He must have been in the college.

Q. In any case, did it not occur to you that it was your duty to report to the professor?

A. It did not strike me to go and tell this to the Professor.

A. Then is it not a serious omission?

A. Yes, it is serious.

When I told the Professor that the slides were out, he said "after all 10 or 15 marks only are given for the slides and therefore what does it matter? and so on - it was a slighting talk by the professor. It did not occur to me. Further on a previous occasion when I told the Professor that I haed heard that some slides given in the examination had been cut, he said "the slides carry a few marks and would not much matter in settling the class of a student."

Sd.S.K.Narasimhamurthy
23-8-1941.

21st August 1941.

Dr.K.V.Srinath.

Q. I want to ask a few questions in connection with the last Botany Hons.Examination. We have been told by other people that you figured in at least two incidemts.

You seem to have warned Mr.Narasimhamurthi to be straight in his dealings. Did you?

A. Yes.

Q. In what connection? What made you give that warning? Mr.Narasimhamurthi is your senior. You must have had some ground for addressing him that way?

A. It happened like this : In the early part of June, I happened to lunch with Dr.Seshachar and the Registrar. We had finished and at about 2 o'clock I was leaving for the college.

Q. You had lunch in the college or in the house?

A. In the house.

Q. The Registrar asked me if Mr.Narasimhamurthi was in the college. I told him that I had seen Mr.Narasimhamurthi in the morning. The Registrar asked me to send Mr.Narasimhamurthi. I said 'yes.' I returned to the Intermediate College and informed Mr.Narasimhamurthi that he was wanted by the Registrar. He came and told me that he was asked certain questions and was warned to keep the conversation strictly confidential. Nothing happened after that. I met Mr.Narasimhamurthi again. I heard that Mr.Narasimhamurthi had been to the professor and had given a written statement about the conversation with the Registrar. I was shocked when I heard this. I remembered Mr.Narasimhamurthi telling me that the matter should be kept strictly confidential. When I heard that he had given a written statement to the professor I felt that he had committed a breach of trust. Later on I told Mr.Narasimhamurthi, "You were interrogated on confidential matters and warned to keep them strictly confidential. You have committed a breach of trust by giving a written statement to the professor." Mr.Narasimhamurthi told me that his movements were watched and that Dr.Sampathkumaran came to know that he had been to the Registrar, and that Dr.Sampathkumaran sent for him and threatened that he would take disciplinary action if he did not make a confession. Mr.Narasimhamurthi told me that he made the statement under duress. I told him that he was not straight.

Q. How did you come to know that Dr.Sampathkumaran threatened him?

A. Mr.Narasimhamurthi told me.

Q. Is it in that connection that you advised him?

A. I felt that he had committed a breach of trust in giving out information without the permission of the Registrar.

Q. When you advised Mr.Narasimhamurthi, was he alone?

A. Yes.

Q. How did Mr.Sesha Iyengar come to know this?

A. There is a sequel to it. Soon after I told Mr.Narasimhamurthi that he was not straight he got flurried, went to the Professor of Botany and told him that I had made this remark. Dr.M.A. Sampathkumaran, it appears, got furious about it and remarked that I had no business to make the statement against Mr.Narasimhamurthi who is my senior. He asked Mr.Narasimhamurthi if he was prepared to give a written statement so that he might take action. In his capacity as Principal, he went for Mr.Sesha Iyengar and related the whole incident and asked him to interrogate me and see what action he could take. That happened on the day of the Intermediate College Council meeting. The meeting was over; Mr.Sesha Iyengar sent for me at about 4 o'clock. He asked me if it was true that I made the statement. I said 'yes.' He asked me, 'what made you say it.' I said that it related to a private matter. I did not like to mention the name of the Registrar and the conversation without taking his permission. Mr.Sesha Iyengar continued, and told me he was concerned because cordial relations should exist between the members of the staff as otherwise it would impair the smooth working of the Department. I explained that we were on the best of terms and said that I told Mr.Narasimhamurthi for his own good.

Q. Earlier you said that you heard that Mr.Narasimhamurthi had gone to the Professor and told him what had occurred between him and the Registrar. How did you come to know about it? Where did you hear it?

A. The Registrar himself mentioned it to me casually that Mr.Narasimhamurthi rushed to the professor and made this statement.

Q. Is it so, Dr.Pichamuthu?

A. Yes.

Q. On the 9th it would seem that Mr.Narasimhamurthi met you and Mr.Kausik in the Scout Den.

A. Yes.

Q. What happened?

A. It was Saturday. I was in Mr.Kausik's room. Mr.Kausik was typing. I wanted him to type a paper for me. We were in the midst of this work. It was about 11 o'clock. Mr.Narasimhamurthi walked in. He looked a bit excited. He told us that he was a bit excited. He told us that he was going out for a stroll in the morning; that he incidentally met the Vice-Chancellor, conversation ensued, and that he made a confession statement.

Q. On the road?

A. Yes. He told me that he met you on the road and went to your residence. He said that he mentioned about certain irregularities in the Honours practical examination.

Q. He told you that he met me on the road. He did not say that he had come to my house?

A. No.

Q. Are you quite sure about it?

A. Yes.

Q. We have information that Mr.Kausik advised him to make this confession [that Mr.S.K.N.met the Vice-Chancellor on the road].

A. There was no such conversation. We were in the midst of typing.

Q. Mr.Narasimhamurthi himself told you that he met me on the road?

A. Yes.

A. Was he cycling?

A. Yes, he was cycling.

He said that he wanted to unburden himself by making this confession statement and that over night he had decided to do so in his own interest. He told us that he had no chance.

Q. Of what?

A. About himself. He said that the Vice-Chancellor told him"You have helped us. We will see what is going to happen." At that moment a friend of mine arrived and I went with him.

Q. You do not know what happened afterwards.

A. I do not know.

Q. Have you heard anything about the Botany Honours Examination.?

A. I have heard a little. Soon after I arrived from England there was no talk of it.

Q. When.

A. First week of April.

Soon after I arrived from England there was no talk of it, until somewhere near the time the results were about to be announced. At that time people were saying that Mr.Alwar was getting a first-class.

Q. Before the results were published.

A. Yes, sir. The results were announced and the result of Mr.Alwar was withheld.

Mr.Rangaswamy casually told me that he had noticed certain irregularities in the laboratory records which were submitted by Mr.Alwar. He also told me that he noticed this irregularity and that he gave nothing because he had substituted books belonging to some other person. That was the only incidemt related to me.

Q. Have you heard any particulars from fellow-examiners or anybody else?

A. I heard about the practical examination

Q. When did you hear?

A. After the results were announced. I was talking to a friend. He told me that during the course of practical examination certain specimens were brought out of the practical examination hall, carried to the ante-room where they were identified by Mr.M.A. Sampathkumaran (nephew of Dr.Sampathkumaran) and that they were transferred inside the laboratory. I questioned this person: "there will be an invigilator, how can it happen." He said that Mr.Alwar was boastfully saying, "there was an invigilator; what can he do; we would not take notice of him."

Q. This is what you heard?

A. Yes.

Q. Is it not funny that you do not remember the name of the man?

A. It might be Mr.Bhimachar. I do not want to guess his name.

I heard that slides which were given for identification were brought outside to an ante-room, that they were identified, names were written on slips of paper and that the slides were transferred by the servant.

Q. To whom?

A. To Mr.Alwar. It seems that some materials were given for section-cutting, they were brought outside, sections were prepared and again transferred by the servant. He related me all this.

Q. Registrar, please get those question papers.

(The papers are shown to the witness)

Q. Is there section work for that paper?

A. No. There is no material for sectioning.

Q. Looking at the question paper, you can say that no section work work was required for that day.

A. Yes.

Q. See if these require any section work?

A. Yes, they require.

Q. There is section work on the first and the second day but not on the third day?

A. Yes.

After this, I told Mr.Narasimhamurthi that I heard this rumour: "It appears you were invigilating and that some malpractice took place." Mr.Narasimhamurthi emphatically denied and said that it was baseless and that he would ask the servants if they were responsible for this rumour. It seems Mr.Narasimhamurthi enquired of the servants and that they denied. Mr.Narasimhamurthi told me that also.

Q. Did you hear at any time that any student was helped in the Examn.?

A. Only Mr.Alwar.

Q. Have you discussed this with anybody?

A. Excepting with my own colleagues in the Department I have not discussed it with anybody.

I was sent for by Dr.Sampathkumaran and warned that we should cease talking about this in the Intermediate College because it was causing him great annoyance. I have refrained from talking about it. I do not even come to the Central College.

Q. When was this warning given?

A. Soon after the incident of Mr.Narasimhamurthi going to the Registrar.

Q. That is about May?

A. Yes.

Dr.Sampathkumaran was a bit uncharitable towards me, perhaps, feeling that I was responsible for conveying the information of leakage. I never engaged myself in such nefarious activities. He cut me off. I did not say anything.

Q. Was it after May?

A. Yes. As soon as the colleges re-opened.

Q. Had you anywork in the Central College?

A. Yes. I was taking honours classes in the Central College.

Q. First year or second year?

A. Second year honours. I was demonstrating to the honours classes.

Q. This year have you any work in the Central College?

A. I have worked only in the Intermediate College.

Q. Did you represent that you should be given some bit for your old work?

A. I represented that I should be transferred to the Central College and I also represented to you. Dr.Sampathkumaran told me that he had other ideas. In the meantime the relationship changed. I was suspected of being responsible for leakage of information.

Q. In your mind you feel that the limitation of the work to the Intermediate college is due to the professor's annoyance?

A. Yes.

Q. Positively?

A. Yes.

Q. It is an inference?

A. Yes. One day he told me "please stop interfering in this matter." I told him, "I have not interfered. It is not my intention to work against you at all." He cooled down and said that loose talk was going on in the Intermediate College. I said, "We do not engage in loose talk. We have class work and I have research work.". He made one remark :"That the University proposed to engaging Mr. Narasimhamurthi

Q. His conduct?

A. Yes. He said, "We rounded off this time and everything will be all right."

Q. After he assigned to you only the Intermediate College work, did you tell him that you have done advance work and were taking honours classes?

A. I did not ask.

Sd.K.V.Srinath
23-8-1941.

Q. I am suggesting to you to suppress nothing that you know.

It has been told us that Mr.Alwar came and told you that he had got help in section work from outside and that he was boasting about it?

A. No.

Q. Did he come and boast before you?

A. I never saw him till the day of the publication of the results.

Q. What happened?

A. I asked him why his result was withheld. He told me that it might be on account of some difference in class.

Q. This information has been given to us by one of the witnesses. Am I to understand that you deny it entirely?

A. I did not meet him all till the day of the publication of the results.

Q. You never met him during the time intervening between the examination and the publication of the result?

A. I did not meet him.

Q. Then do you say that this version is false?

A. Yes.

Q. You are supposed to have told this to your colleagues. Am I to understand that he is telling a lie? Mr.Alwar came to you and said that sections were brought from outside and used?

A. I did not get any information from him.

Q. Mr.Alwar never came to you?

A. He did not come.

Q. You are positive?

A. Yes, sir.

Q. You did not see him?

A. I did not see him till the day of the publication of results.

Q. We have been told that on one of the examination day Mr.Alwar cut his fingers. Do you know it. Did you see it yourself?

A. Neither did I hear nor see it. I used to be in my room and was doing my own work.

Registrar: Q. Have you discussed this with any of his class-mates?

A. I have not discussed.

Q. Before the results were announced, did you hear anything about the irregularity in the Botany Honours examination.

A. I heard that rumour in the Lalbagh

Q. The discussion in Lalbagh was about the first-class. Was there any suggestion as to how he got it - by any unfair practice?

A. No.

Q. You did not meet Mr.Alwar before the publication of the results?

A. No.

Q. You are positive about it?

A. I am quite sure. On the day the results were published I learnt that his result was withheld.

Q. Was Mr.Alwar in the Lalbagh on the day you heard the rumour

A. I should think so.

Q. Did Mr.Alwar take part in the discussion?

A. I do not know.

Registrar: Q. Have you told any member of the staff "First we must be loyal to the Professor and then Department?"

A. I have never said it.

Q. In casual talk have you said "We must be loyal."

A. I have never said it.

Q. Sure?

A. Sure.

Q. Were you keeping aloof when all the other members were talking?

A. For the last two or three years I have been keeping aloof. A particular incident occurred in which I was made the buttend of criticism. It is that I took all the measure of popularity in the department, that the professor was allowing me to get that popularity at the expense of the other members of the staff.

Q. What is that incident?

A. That is in connection with the Botanical Society of which I was treasurer.

Q. Recently or some time ago?

A. Three years ago. Some members of the staff had a discussion that I was gaining too much popularity and that the professor was responsible for giving me that importance. I told the professor that I would have nothing to do with the regular organisation, of the department and was sorry to have taken a measure of popularity which should have been shared by the other members of the staff.

Q. In the earlier years did you help in the practical examination? Were you asked to help the examiners?

A. Yes, I did it for two years.

Q. Two years?

A. 1937-38 and 1938-39.

Q. Both for Honours and Pass or only for Pass?

A. Both.

Q. Were you paid for it?

A. Yes.

Q. Were you specifically put down by the University as an Assistant?

A. Yes.

Q. You have sent your remuneration bill for that?

A. Yes.

Q. What was the kind of work you were g doing?

A. Arranging the specimens half an hour before the examination; taking them to the examination hall; the examiners would be there and they would select the specimens. If mounts were required I would make them. The examiners would ask me to distribute the specimens according to instructions given. I would distribute them. I used to be there till 1 o'clock. I would make a list of specimens given for the day and tabulate them.

Q. You were allowed to leave the examination hall?

A. Yes.

Q. Not expected to stay there?

A. No.

Sd.S.B.Kausik,
24-8-1941.

21st August 1941 Mr.C.Jayarama Reddy

Q. Since you saw me last time has any one tried to ask you what you have been telling me?

A. Dr.Sampathkumaran asked me whether I interviewed you. I told him 'yes'. He asked me "Did the Vice-Chancellor ask you not to tell anybody." I said 'yes'. He said, 'then do not tell my anything."

Q. We have been told that after the results were announced last time, Narasimhamurthi came to your room, that Mr.Sampathkumaran was there, that he was saying openly that he made certain sections which he sent on to the examination room. Is that a fact?

A. This is not the exact form of the incident.

Q. Anyway some talk took place about that time?

A. Yes.

Q. You discussed the examination, but the details given are not correct?

A. Yes. : Details of the incident -

Mr.S.K.Narasimhamurthy came and put me this question. I was, at that time in the staff room (Central College)

Q. What Mr.Reddy, Dr.Sampathkumaran had called on me in the Principal's room and said that there is room that some malpractice went on in Hons.examination. What is the matter Mr.Reddy.?

A. Well Sir, I warned Mr.M.A.Sampathkumaran then alone, he (i.e., Mr.Sampathkumaran) remarked 'that everything is going on smoothly, you need not worry Mr.Reddy.'

Mr.S.K.Narasimhamurthy felt it as a surprise and brought Mr.Sampathkumaran who was somewhere in the Botany Department. Then they took me to Mr.Seshagiriah's room. There I remarked "well Mr.Sampathkumaran, I warned you then alone, you did not care and said that everything was going on smoothly. Mr.Sampathkumaran remarked that such malpractice was going on in previous years also and then accused some staff members, who he supposed, might have carried the news to the University authorities..

Q. You reported the conversation?

A. Yes.

Q. Was Mr.Sampathkumaran there?

A. Somewhere outside.

Q. You mentioned in your evidence that Mr.Alwar cut his finger.

A. The peon was telling me. After-wards I noticed it.

Q. Which day it was?

A. It might be on the second or the third day.

Q. You are not sure?

A. Not sure.

Q. You said that some section work was done in the herbarium and sent to the examination hall. If you look at these question papers, can you say which day section work had to be done.

(The witness was shown the papers).

A. Second day.

Q. Not on the first day.

A. Not on the first day.

Q. Why do you say second day?

A. Micro preprations are to be done only on the second day.

Sd. C. Jayarama Reddy,
23-8-1941.

Copy of D.O.letter No.744/C.B.dated 27th August 1941, from the General Secretary to the Government of Mysore, Bangalore, to the Vice-Chancellor, University of Mysore.

With reference to your D.O.letter dated 12th August 1941, regarding the enquiry into the conduct of Dr.Sampathkumaran in connection with the Botany Honours Examination of March 1941, I am desired to state that, as there are only a few witnesses to be examined which can be done without the presence of Dr.M.A.Sampathkumaran, it is considered not necessary to ask him to take leave.

I am to add that the enquiry may be completed and a report submitted to Government with the opinion of the University Council, along with the entire records.

Letter dated the 23rd August 1941, from Mr.M.A.Sampathkumaran, 20, St.John's Road, Bangalore, to the Registrar, University of Mysore.

I am not aware of any details about the examination referred to in your D.O.letter No.C.261,dated 22nd August 1941. As such, I am of the opinion, that no useful purpose will be served by my seeing the Vice-Chancellor in this connection.

May I also request you not to trouble me with any further communications on this matter please.

23rd August 1941. Dr.M.A.Sampathkumaran.

(Mr.A.B.Mackintosh was present).

The Vice-Chancellor said, "With regard to the details of routine of the last Botany Examination, Dr.Sampathkumaran, you said Mr.S.K. Narasimhamurthi was asked by you to help you in the practicals, you gave him some work in connection with the practical examination. Is that so?

A. Yes.

Q. Was it both for Pass B.Sc. and the Honours?

A. Yes.

Q. In the earlier years, I find you put Mr.Rangaswami and Mr.Kausik to help in the examination : were they allotted the same kind of work?

A. Yes. Mr.Narasimhamurthi did this year the same kind of work. Mr.Kausik and Mr.Rangaswamy did similar work in the earlier years.

Q. Mr.Kausik and Mr.Rangaswamy did similar work in the preceding years?

A. Yes.

Q. What was the kind of work they had to do?

A. They generally take the specimens from my room and distribute the same to the students, and also pass the slides from one candidate to the other, and in the middle, if the students want more specimens, they go and get them from my room.

Q. They were expected to stay in the examination hall those three hours?

A. Yes.

Q. Was the appointment of these persons official?

A. It was official in the first two years; and as Chairman, I had the discretion to use their services. The assistant is nothing more than a reliable servant.

Q. So this year, am I to understand Mr.Narasimhamurthi was not permitted to assist you officially?

A. He was not permitted officially.(Note: Nor was any official permission got for my appointing Mr.K.Rangaswamy as a similar assistant last year.)

. Dir Mr.Rangaswami and Mr.Kausik get any remuneration from the University for work?

. No. They did not get as separate examiners.

. Is that correct?

A. Yes. As Chairman I could use my discretion.(So far as I remember).

Q. I find that in 1937-38 and 1938-39 Mr.Kausik was given remuneration for preparation. But this year Mr.Narasimhamurthi was not formally permitted to assist you in preparation work.

A. I do not remember just now. Mr.Narasimhamurthi was not formally permitted.

Q. Did he work in an honorary capacity?

A. No, he was told that he would be paid something (at the prescribed rate).

Q. Was that a private understanding?

A. Yes.

Q. Do you know if any of the examiners did pay him actually?

A. No.

Q. Surely when you arranged for it, you should have seen to it?

A. I thought they would pay him.

Q. Who were the persons to whom you assigned the work that Mr.Narasimha-murti actually did and from whom, therefore, you that he could claim the remuneration for that work?

A. He assisted all the examiners, and he could claim the remuneration from the different people. The names of those that drew the remuneration for preparation work can be ascertained from the University records, and it was expected that they would pay him.

Q. Then, did it apply also for the Honours Examination?

A. Yes.

Q. You said you were also assisted. Have you paid him?

A. No.

Q. What did the external examiners pay?

A. I do not know. I think I told one of the examiners. I do not think they have drawn remuneration for practical work. The preparation work was given to the local people.

Q. Were not the external examiners allotted preparation work?

A. No.

Q. We were told by Mr.Narasimhamurthi he was paid for B.Sc.Pass. Messrs.C.V.Krishna Iyengar and K.N.Seshagiriah paid him something, but he was not paid for the Honours work yet. Is it so?

A. Yes. (It is so. He has not been paid yet).

Q. Do you consider this a correct arrangement to put on to the examination work one who is not authorised by the University and then make private arrangements by which he would get some remuneration drawn formally by other persons?

A. (It could not be avoided this year). I consider it is a convenient working arrangement, and the whole thing was done in the best interests of staff as well as the examination

Q. But the University prescribes certain procedure. Would it be open to the Chairman of the Board of Examiners to appoint his own assistants without consulting the University, seeing this arrangement has been approved in the previous years?

A. I thought the same arrangement might continue this year also. (Strictly according to the rules it may not be open to the Chairman. But as last year I exercised my discretion without any objection. I thought I could do so this year also).

Q. Exactly. It was approved in the previous years. You sent up the names and got permission to get help in the conduct of the examination; but this year was any such reference made?

A. No. It was not made.(either last year or this year).

Q. Then would not Mr.Narasimhamurthi technically be an outsider so far the examination was concerned? One whose presence would not be correct in the examination hall?

A. From the technical point of view, it is incorrect. But for the convenience of the examiners, I considered it efficient and for the smooth working of the examination; and by the desirability of this arrangement, I considered it was not incorrect.(But for the efficient conduct of the examination I found it necessary.)

Q. What prevented you this year, as in earlier years from asking for University approval for this x arrangement?

A. I was not sure of the persons that I would have to employ. In the ordinary circumstances, I should have employed Mr.Rangaswamy who was senior to these people. But since he fell ill, I had to make some arrangement.(at the last moment I had to make some arrangement to carry on the work).

Q. When did he fall ill?

A. Practically just before the examination.

Q. Granting it was so, could you not have got your action regularised by getting sanction at least after the examination was over?

A. These are all too technical. A certain amount of discretion should be given to the Chairman, and he does these things in the best interests of the examination.

Q. Is not the Chairman expected to observe the rules of the University?

A. Certainly he will observe the rules, but when an emergency comes he will have to take appropriate action.

Q. But not report the action to the University?

A. Yes. (No. He has to report).

Q. Did you report your action at least after the examination?

A. No.(I was busy with the U.T.C.work).

Q. Did you not consider it essential to report?

A. Yes. (I should have reported. I freely express my regret for the omission. But the matter is a purely technical one and I can honestly say it has not in any way vitiated the examination.)

Q. Then, you said last time before us that Mr.Narasimhamurthi was not absent from the examination hall for more than a month or two.

A. For a short time.

Q. We have heard he was absent very often and sometimes as long as a quarter or half an hour?

A. I did not notice. I do not think it could have been.(was so).

Q. He said he was going for coffee and to the Intermediate College.

A. I do not think so. At this distance of time - about five months - I do not remember.

Q. Who were in the examination hall along with Mr.Narasimhamurthi?

A. The candidates and the other examiner.

Q. Were the examiners in the hall right through the three hours.

A. Yes .

Q. All the examiners?

A. One or both.

Q. You say one or both. Why did the leave the hall?

A. He might just have gone for food, when he would have been absent for a long(some) time - about 15 minutes - before he finished his food, then I used to be in the hall(whole time) because I was having my food always after 1.30 p.m.

Q. So that Mr.Narasimhamurthi was never alone by himself in the examination hall?

A. No.

Q. The Vice-Chancellor said, "Kindly look at the statement he makes at the beginning"(looking at the statement written by Mr.Narasimhamurthi.) At this stage, Dr.Sampathkumaran said he would first read the statement of Mr.Narasimhamurthi. And when the Vice-Chancellor said, "Please see the second paragraph", Dr.Sampathkumaran said "I think you are degrading the department, if you believe this crazy man's statement and I do not like to be questioned on this and there should be some dignity (his statement and I should like to be treated with some dignity).

Vice-Chancellor. You can refuse to answer but do not lose your temper. Of course it is open to you to say anything you like about the statement, but you cannot call the enquiry degrading. Dignity should be considered by all parties.

I only want to know if it was possible for this man to give any help to the students in the examination hall, as he says he has done. Is it not possible for the supervisors to see if he is doing his work or not?

A. How could I say? It is just possible, I think (if he wanted to do so).

Q. Vice-Chancellor: Mr.Sampathkumaran, please contain yourself and answer the question bit by bit. I give you the choice either to answer these questions or refuse.
You said last time "the man is reliable".

A. Yes. But I now think the man has been (is) a rogue. I thought he was merely a numskull and I never thought he was capable of rascality.

Q. Please listen to me. I want to know whether this statement is made by a rogue?

A. Evidently he has been a ~~xxxxx~~ rogue.

Q. Do you tell me .....

A. I do not believe in this.(statement). He has been a rogue. He himself says (admits) he has been a rogue and therefore I should call him a rogue or a crazy man.

Q. Which would say then?

A. I cannot say anything.

Q. I want to know whether that man's confession as he calls it can be given any value?

A. He is a feebleminded fellow (No, Till now I thought he was merely a feeble minded fellow. ~~&~~ But then (now) I consider (find)he has been (is also) a rogue now.

Q. You told us the other day he was till recently feeble minded and excitable, and on that basis I wank to ask you questions.

A. I have answered your questions.(Narasimhamurthi's confession is like Zinovieff letter. It was put in at a psychological moment ; at 9.30 a.m. on the morning of the University Council meeting).

Q. Is it likely a man will implicate himself in the serious manner he has done?

A. I do not want to express any opinion.

Q. Is it possible for him?

A. I have already answered.

Q. Is it a fact that you sent for him in the garden and asked him...?

A. It is a lie.

Q. Did you ask him and did he come and tell you that he had heard news about Mr.M.A.Sampathkumaran helping Alwar and made enquiries?

A. I said the whole thing is (was) a lie.

Q. Then I shall not ask you any more questions on this.

A. The whole thing is a tissue of lies. I never discussed such things with my assistants and my students. And the rest of it is a tissue of lies. (The whole statement is a tissue of lies).

Q. Is this a tissue of lies?

A. Yes.

Q. Have you not discussed?

A. Not discussed.(No.)

Q. When he gave evidence last time on the 28th July, did he come and talk to you about the evidence he was going to give to me about that time?

A. On the 28th July I was on leave.)

Q. But a day before that?

A. Yes, all these people said that they had received a communication.

Q. Did he tell you that evidence he would give?

A. No.

Q. He says that he gave his 'panel of questions and answers' and you corrected the same and the slip of paper was torn up.

A. No. He has (seems to have done) a lot of planning in this(matter) and I thought he was (an) innocent (fellow).

Q. That is, he said at the enquiry, "I wrote for myself, I thought it best, a penal of questions, and answers and brought it to my professor's house, that is, Dr.M.A.Sampathkumaran, about 3 o'clock. He had sent word to me with Mr.Seshagiriah to go to me; and so I said, "Here I am with these links, what I have done and what I have written."

Is it a fact?

A. No.(I never talked to him about the enquiry.)

Q. Was there any illness or accident in the practical examination to any student, like injury to fingers etc.?

A. Injury in the practical examination is a common thing.

Q. Did it happen to anybody?

A. I did not take any particular notice. It might or might not have happened. I do not remember.

Q. Do you not remember?

A. No.

Q. We have been told that one student cut a finger in the practical examination hall. Were you in the examination hall all the three days?

A. Yes. I was all the three days in the examination hall. These are not things to be regarded(noticed) as they are common.

Q. Do you remember that any student had cut his finger seriously in the examination hall?

A. No. It is such a long time. I do not remember. It was not conspicuous, and if it had happened the student might have asked for help and a servant would have helped him.

Q. So you do not remember if any candidate had cut his finger and an examiner sent him a wet cloth bandage and the candidate appeared with the bandage the next day of the examination also?

A. We do not take any notice of these things.

Q. But we have been told it was certainly serious to prevent the student from being able to do his work in the examination.

A. No student reported.

Q. Mou do not remember any such incidents which might have happened?

A. Might have happened? - but I did not take any such notice, (if any body had cut himself;) and if any cuts ~~had~~(thing) happened, it(which)is practically an usual thing in the laboratory, the candidates knew what they had to do in such cases.

Q. Someone else has given evidence to say that slides were sent into the examination hall from the herbarium room with slips of paper identifying them. Would you have noticed if anybody had brought them to the examination hall?

A. I cannot understand this. If I should permit an outsider to do this I think I could have done it myself.

Q. If that was done, would it not have been noticed by you?

A. (This is an absurd accusation). If I could have allowed an outsider to do such a thing, I think I could have helped(the candidates) myself. There is an implication(the insinuation) that I allowed an outside thing to come in.

Q. I am putting before you a statement made by one of your colleagues.

A. It must be a wonderful thing to believe this statement. If you are asking me these questions, I cannot answer. If I should allow a thing like that, could I not have done it myself. I have said myself that I have not been absent from the examination hall.

Q. Am I to understand the whole time you were in the examination hall?

A. Yes. These statements are absurd statements. Please ask the outside examiners and get their opinion.

Q. When I said "colleague," I meant one of your department staff. He says he saw slides being taken by one of the attenders. He says that slips of paper used to be sent to the examination hall.

A. Nobody came. I do not accept any reflection upon me(my integrity). I cannot understand that at all(such questions) and I won't answer such questions.(them).

Q. He sayd he was sitting in the anteroom and he saw man helping the students.

A. No. Not possible. I protest against that statement and ....

Q. As you say it is for other people to judge and as I have a duty I have to put these questions.

A. I consider these statements were obtained by threats.

Q. Nobody was threatened, and Mr.Mackintosh has been here.

A. I am glad the Principal is here. The statements were obtained by third degree methods. My answer is Mr.....and he will testify to the methods as to how the information was obtained.

Vice-Chancellor: Take it from me, I have not talked even in the loud voice you are speaking except once to a man who spoke a lie

Q. In your evidence you said last time, "I did not see the marks till I had finished my own valuation."

A. I had finished my valuation. I want to see my evidence.

(A copy of the evidence was given).

Q. You did not see the other examiners' marks, before your valuation?

A. Might have seen it because they handed over it to me.(No.I had not seen them until I finished my valuation).

Q. When you saw the total marks you had finished your valuation?

A. Yes.

Q. Your marks lists are dated one day later?

A. I had finished my valuation before I got their marks. It might be about 20th and I sent my marks on the 21st.

Q. So you saw the marks?

A. I saw them.(before despatching)

Q. But did not see them before you valued the answer papers?

A. No.

Q. You have no doubts about Messrs. Seshagiriah's and Rangaswamy's reliability?

A. I will not make any statement about them.

Q. What is your impression?

A. No, I cannot(will not) say anything just now.

Q. They are reliable?

A. No, I cannot say that after having seen throughout the present enquiry how they have conducted themselves.

Q. You think they have, in the enquiry, shown their unreliability?

A. A lot.

Q. About these two people.

A. No, I cannot say. I am not prepared to say anything.

Q. But before the enquiry you could believe these?

A. No, I cannot say anything. I cannot make a general statement. From 12-4-1941, from that day I am having this torture and if I break down, somebody must (will) be responsible

Q. Do you say they complained about these things?

A. Yes. I do not care.

Q. I am asking you about the second paragraph in Mr. Narasimhamurthi's 'confession'. Would a man perjure against himself?

A. The elephant throws dust on its own head. Well, it is something like a man telling his wife is an adulteress.

Q. Would not that be a damaging statement against himself?

A. Anyway it(he) is damaging himself. He must have been threatened.

Q. By whom?

A. I do not(cannot)say.

Q. If a man is threatened, does he implicate himself?

A. Yes, he has done so. (Please take this statement of mine) "All these evidences are manufactured for the support of a proposition that was passed without sufficient enquiry by the University Council on the 26th April."

Q. Manufactured by whom?

A. I do not know. (I cannot say). I leave it to other people to infer.

Necessary corrections and changes have been made.

Sd. M. A. Sampathkumaran,
31-8-1941.

29th August 1941.

Mr.K.N.Seshagiriah.

(Mr.A.B.Mackintosh was present).

Q. Mr.Seshagiriah, I am not going to examine you at length to-day. But there are one or two things which have been mentioned to us about which I want to know if you know anything. The first is this : It would seem that Mr.Narasimhamurthy met you on the morning of 9th instant shortly after he saw me. Is it a fact? Did he see you sometime on Saturday morning?

A. Yes, he saw me.

Q. Were you alone at the time? That is to say, did you see Mr.Narasimhamurthy by himself or was anybody with you?

A. Mr.Rangaswamy also was there.

Q. I do not want you to tell me in detail all that Mr.Narasimhamurthi told you, but can you tell me if he said anything about the circumstances in which he saw me?

A. He said that he went to the Vice-Chancellor's house and confessed everything.

Q. Are you sure if he said he came to my house and did not say that he met me elsewhere before coming to my house?

A. I am quite sure he told me that he met the Vice-Chancellor at the latter's house.

Q. I want you to be quite definite about this and to make sure telling me what he told you. We have been told by two other witnesses that he told them that morning that he had met the Vice-Chancellor when the latter was going on his walk, got down from his cycle and spoke to him. Did he tell you anything of the kind?

A. No. I am not aware.

Q. Was Mr.Rangaswamy with you when he told you all this?

A. Yes, he was.

Q. You remember towards the end of July I examined you and afterwards Mr.Narasimhamurthi. Mr.Narasimhamurthy who was also examined about the same time told us a few days ago that he had seen you sometime before he was examined. Is that a fact? Did you meet him any time before 28th July and have a talk about the examination?

A. Before 28th July we had met several times and never talked about the examination.

Q. The Vice-Chancellor read the following statement from Mr.Narasimhamurthi's evidence:

"Mr.Seshagiriah came to me on Saturday and he said in Kannada "be prepared . . . . ."

At this stage the witness interrupted saying 'Oh, that is all right' as though he remembered something.

Q. Would you like to continue?

A. Yes, sir.

The Vice-Chancellor read the following statement made by Mr.Narasimhamurthi:

"Mr.Seshagiriah came to me on Saturday and he said in Kannada 'Be prepared, of course, he has told you all points.' Yes, of course', I said. He first went to Mr.Rangaswamy's house and then came to my house. I gave him tea at my house and afterwards he went away. After he left I wrote for myself, I thought it best, a panel of questions and answers." page 107

Q. Did this talk take place?

A. Not exactly as he has given. I had gone to Mr.Rangaswamy's and Mr.Narasimhamurthi's house with instruction from Dr.M.A.Sampathkumaran. He had asked me to go to Mr.Rangaswamy's and also Mr.Narasimhamurthi's house and remind them about the interview which they might likely to have with the Vice-Chancellor. Dr.Sampathkumaran had asked me to request Mr.Rangaswami and also Mr.Narasimhamurthi to have everything what they wanted to say written on a piece of paper. It is for that purpose I had done to their house.

Q. Am I to understand that you yourself were also asked to prepare a statement?

A. Surely, I was also asked to prepare a statement and learn it well.

Q. Did you prepare such a statement before you appeared before me? I am not referring to the statement sent by you to the Professor but to the statement you say you were asked to prepare before you appeared before me on the 28th July. Did you prepare any such statement?

A. I did not prepare any such statement. There was no need for it in fact.

Q. You were not asked by the Professor to submit the statement, which you say he asked you to prepare, to him for scrutiny?

A. In fact he himself dictated to me what I had to say before the Vice-Chancellor when questioned about these things. That morning he sent word to me. I had gone to his house. He said, 'On Monday the Vice-Chancellor may send for you and ask questions. If he puts any question about note-books, you please say "Mr.Alwar submitted Naidu's notebooks not with a view to presenting it but with a view to show how library records are made up." As regards the marks he said, "You need not say that you gave zero; but simply say that you did not award any marks for that part of the work. These two are the important points.

Q. Therefore in your statement before me you departed from these instructions?

A. Yes.

Q. Just one question about the part you played in the practical examination. From the evidence given by you, the impression I gathered was that you helped to type the questions and arrange the specimens, but once the examination began you were not to be seen in the examination hall. Is my impression correct?

A. Yes, sir, it is correct. But occasionally I used to go to the examination hall and see that the slides go round in time to all the students.

Q. Did you, in this manner, appear in the examination hall on all the three days or only ~~one~~ some of the days?

A. I think on all the three days.

Q. Did you spend any appreciable amount of time when you went to the examination hall or you merely pass through?

A. Merely passed through. But in connection with the B.Sc.Pass examination I used to stay there throughout.

Q. My question refers to the Honours examination.

A. In the Honours examination I used to pass through.

Q. Did you at all notice during your appearances if anything unusual happened in the examination?

A. I did not notice.

Sd.K.N.Seshagiriah,
1-9-1941.

Copy of letter dated 21-8-1941 from Mr.S.K.Narasimhamurthi, Intermediate College, Bangalore, to the Vice-Chancellor.

I, the undersigned, beg to state as follows:-

Yesterday, as I was about to leave you, you were pleased to remark "Does it not cast a doubt on your veracity,Mr.Narasimhamurthi; does it not show that you did not complete the work you were asked to do."

In this connection I may be permitted to narrate the happenings on that day from about 3 p.m.

On that particular day in question, I, and Dr.Srinath were working in the Inter.Coll.Laby.when a peon of the Botany Department of the Central College, came and told me that Prof.Sampathkumaran wants to see. I went to him. He was in the Principal's room. He first enquired me about some maps supplied to our college, from Messrs.Adair Dutt and Co., through Dr.M.A.S., as he brought them directly from Madras, and about the bill in xxx that connection. I answered him. I saw him busy with old marks register. He said he was trying to find out if any average student or a student who had failed before, had at any time before got a first class in the Hons. He put me that question orally. I told him that I cannot recollect any names at present. He said that he has also told Mr.S.B.Kausik to get this information. Then I mentioned about the news I had heard, i.e., Mr.M.A.S.'s help through servants. Then he said "Narasimhamurthy there are various rumours, after all even if the slides xxx went out, how many marks will it be 4 x 3 = 12 or 5 x 2 = 10, that is all is it not? Will it make much of a difference in this case." Anyway you had better enquire the servants, I do not want to do it myself. Please come let me know which I did accordingly.

Then I did so. Further details happened as I explained orally till I left Mr.Reddy and Mr.M.A.S.

Later I met Dr.Srinath who asked me what I talked with Dr.M.A.S., and I told him that I talked about map incident. Later I met Mr.Kausik to whom I told the incident up to my report to Prof.M.A.S.about the part of the servants. He said that if he had tackled the servants himself he would have got out the truth from them. Next day Dr.Srinath heard about this from Mr.Kausik which I confirmed.

To conclude,

It did not suggest to me that I should report to the Professor the later reports i.e., my talk with Mr.Reddy and Mr.M.A.S.'s talk with me and Mr.Reddy and I thought my duty was to enquire into the action of the servants and report only that as per his instructions.

So my humble statement before you is that my action indicated that I carried out the instructions of the Prof.M.A.S.literally and did not pursue further which I admit is an omission on my part.

A report of the conversation that took place between the undersigned and the Registrar, University of Mysore, at Warden's Quarters, C.U.Hostel, on the 30th May 1941, at about 3 p.m.

Q. What happened at the practical examination and what was your work there?

A. I was there at the practical examination for the preparation work. Mr.K.Rangaswamy should have been there. I was asked to get some plants every day for the examination and to keep the information confidential. I used to come at about 9.45 a.m. to the practical hall and distribute the plants and remain there till 10.30 a.m. Then I used to go out and come into the hall once or twice during the examination. Then I used to distribute some more plants if wanted by students or help in the going round of the slides amongst the students.

Q. Did you suspicious (sic) acts going on?

A. No. The examiners used to be in the hall; either the one or the other used to be moving about or be seated in the room from where they could see the hall.

Registrar intervening - after all in the practical examination they might be just outside the hall for a minute or two.

Q. Who wlse was there? Was Mr.Sampathkumaran there?

A. Therefore were the M.Sc.students, Mr.Basheer Ahmed Khan and Mr.Reddy and also Mr.Sampathkumaran

Q. Did you see them doing anything?

A. They were there doing work or talking about. They were asked to be on the wing away from the examination hall and the window on this side were kept closed.

Q. What were the servants doing?

A. The servants used to be in the department answering the calls made on them.

Q. Who were the people moving about in the examination room?

A. Myself, Mr.K.N.S. and the examiners.

Q. Do you know any about the talks in this connection?

A. Yes. /I heard lots of them in places such as Lalbagh restaurant and college premises. One day when I went to Lalbagh hotel with Mr.B.B.Bhimachar some who knew me asked about the truth of the statement that Mr.Alwar having done this and that in the practical examination. I replied stating that I know nothing about it and nothing unusual took place as I saw.

Registrar intervening - It is strange that he should do so.
I, continuing, Yes, sir, always are such, I used to move away from such places.

Below is the rough copy which I read before the Professor, which he approved on Saturday 26-7-1941 at about 3 p.m. at his house.
Intd.S.K.N.22-8-41.

Q. What was your work in the practical examination of 1941.

A. Preparation work, distribution of specimens and await instructions.

Q. Who were there in the examination?

A. The examiner and myself.

Q. Were you always there?

A. No I used to go out and come in again now and then.

Q. Was any malpractice noticed by you in the hall.

A. No. It could not happen.

Q. Was M.A. Sampathkumaran there.

A. Yes - he was in the M.Sc. room.

Q. Did you see him giving any help to any candidate.

A. No.

Q. What were the servants doing and where were they?

A. They were in the passage room and they were attending the usual calls made on them.

Q. Was there any occasion when there was no supervision in the examination hall.

A. No. Not so far as I know.

Q. That means that whenever you were there the examiners were always there is it?

A. Yes.

Add.

Q. Who used to bring the specimens?

A. They used to come from Madras.

Q. When the specimens were selected for the day by the examiners were you nearby?

A. No - As far as I know there was no body in the room where the plants were selected by the examiners for the day. I was not myself there then.

Q. Nothing of ususual nature took place, is it?

A. Yes sir, nothing unusual took place and everything was in order.

A talk about the remuneration for the work done by me ensued.

Added as per his instructions: Intd.S.K.N.22.8-41.

This is the gist, as far as I remember, of the conversation that took place between the undersigned and the Registrar, University of Mysore.

Sd.S.K.Narasimhamurthi,
Lecturer in Botany,I.C.B.
(who was asked to do the preparation work for the University Examn.in Botany,1941).

"Copy"

Herewith a copy of the report which I wrote out, and gave the manuscript to the Prof.M.A.S. which he took in haste at about 1 p.m. on 31st May 1941, and a duplicate typed copy was later given to him in the Principal's room which he said he would forward to the Registrar.

Sent to the Principal, Central College.
Bangalore, Intd.S.K.M. 28-8-1941.

To

The Vice-Chancellor, University of Mysore.

Sir,

I beg to state that when I was permitted to go after my last enquiry by you in your office room on 20-8-41, I said that I wanted to depose some more facts. You were pleased to observe that I will be called upon to do so later. Since that opportunity did not come I may be permitted to write them down.

Subsequent to my enquiry, I have handed over to you at your office three letters, first - narrating all the indidents that took place on the day when I was asked to enquire into the action of the servants during the practical examination by Prof.M.A.S., second - the only available rough copy of the questions and answers for which I was asked to be prepared by Prof.M.A.S. for my first enquiry by you (the tearing incident referred to in my enquiry before you relates to the fair copy, the pieces of which are not available) third - a copy of the gist of the conversation between the Registrar and myself.

Regarding the additional facts that I wanted to state I may be permitted to add that prior to Mr.Khaleel Ahmed's incident which I have mentioned in my "confession statement," I met him on a particular evening in Malleswaram, near Mr.Sirwis house at about 6.30 p.m., when he told me that he sent a telegram to Mr.Alwar from Goribidnur which he said, he immediately did after knowing his results but without trying to find out from the papers whether Mr.Alwar's results were published or not, because he said that he was sure that Mr.Alwar would get a first class. He further told me that since Mr.Alwar's results were withheld, he would go to his house and apologise to him. So I conclude that he must have gone to Prof.M.A.S.'s house when the Professor must have questioned him about any irregularities that had happened in the practical examination.

A few days prior to the Silver Jubilee of the University Mr.K.N.S.sent me a bundle of answer papers of II.Hons.(Botany) students to value with a note under instruction from Prof.M.A.S. not to note the marks against the answers. As I had already noted the marks before reading the instructions, I had to rub off the marks in the answer books and had to submit the marks in a separate sheet. When I was rubbing the marks Mr.K.Ramiah, my colleague observed and remarked why I did so when I had to explain to him the details. A few days later Prof.M.A.S. found fault with me and Mr.K.Ramgaswamy(who also valued a few answers in those papers) for having announced the results(we did not give out the marks) to some of the candidates for he said he wanted to give the first place to Mr.Shankaranarayana Sarma, who was poor, so that he may continue to have the subject scholarship and did not wish Mr.Bhaktavathsala Naidu to get the first place as he was already getting the B.C.scholarship. When this discussion took place Mr.K.N.S.was there. Prof.M.A.S. said that his hands were tied as we(self and Mr.K.R.) had already given out the results in a general way. At last he announced that Mr.Naidu got the first place. By that time Messrs.Ramiah and Jayarama Reddy joined us and some other topics were discussed. A few days later(after this incident) as I heard from Mr.Kausik, Prof.M.A.S. called Mr.Kausik to his house and complained to him against me, Mr.K.R. and Mr.K.N.S. also, on our general attitude about the departmental affairs and later requested Mr.Kausik whether he had any objection in writing some notes, rough sketches or any other remarks on the interleaf of the drawing book of Mr.Alwar, when

Mr.Kausik agreed to do so and accordingly did. This incident, Mr.Kausik told me near the Cenotaph on an evening, before the Silver Jubileo, a few days i.e., a day or two before the indicent took place.

Mr.Kausik had also given me an idea as to what I should say before Registrar(as I had asked for the advice myself and as I had an impression that I would be called up). He told me that I should be loyal to the department under such trying circumstances.

When we were meeting each other more often to talk about this affair Prof.M.A.S. had told me that all the ehtory answer books of the Botany Hons.candidates of 1941 were taken from him and sent to Prof.Koshy for revaluation and that he did not know what his report was. He also showed me the whole file of the first enquiry report with the Vice-Chancellor's remarks thereon and told me that his remarks about me in particular were that my statements were emphatic," so that I need not have any fear and that the only outcome of the enquiry may be that Mr.Alwar would be rusticated(at this stage he pointed to a small paragraph in the report which was marginally noted by two pencil lines and said that it refers to this verdict) and that he would fight out his son's case in a court of law. He also told me that all his friends were satisfied with my statement as it was non-commital while the report of Messrs.K.N.S. and K.R. were not satisfactory to him.

When I met Mr.Vyasaraja Rao, about 5 days ago and asked him about the "Enecostemma" indident which I have stated in the enquiry he said that it was a fact.

When I met Prof.M.A.S, a few days ago he asked me(referring to my confession statement) why I did not tell him all facts, when I replied to him that there was nothing that he was not aware of except the fact that I took out a few plants on the first day which I left in the herbarium room. Then he remarked to me "I do not want to talk about anything with you." In reply I thanked him and came out of his room in the college. A few days later he sent words to me with Mr.Kausik that I need not handle the II-Hons.class in the Central College,which I was doing for the past three years, for sometime more. Then I went to him personally and asked him the reason for this sudden change, he simply said that my work may be confined to the Intermediate college only.

If the students had been called up for enquiry, it may be that some of them may have been influenced not to spea k out the truth. Somehow I feel that Mr.Gopalakrishna might speak out truth, as he seems to be an honest boy, which fact I have mentioned in "confession statement."

In conclusion, I may be permitted to say, that considering the fact that I was so familiar with all the students in the practical examination hall(Hons.1941) - especially Mr.N.K.A.Iyer, whom I know for the past five years, for whom I had recommended for a freeship in the Intermediate College as he was a poor boy, who also used to come to my house now and then on his way to the Institute - and also as the chief examiners were not in the hall, the students made bold to ask of me a tip or two and I hinted. I am sure that under similar circumstances many other Lecturers may have done a similar thing, and If grave situations arose that those honest lecturers would surely admit the truth like me - let God forbid such occasions. I can only repeat

that in view of the above facts and also in view of the standard of strictness that was maintained in the department and also by the Chairman of the Board of Examiners during the practical examination I have not made a big fault and I may therefore pardoned.

I beg to remain,
Sir,
Your most obedient servant,
Sd.S.K.Narasimhamurthy,
Lecturer in Botany,I.C.B.

28th August 1941,
Bangalore.

Copy of confidential letter dated 10-8-1941 from the Principal, Central College, Bangalore, to the Vice-Chancellor, Mysore University.

I enclose a document and a copy of covering letter received from Dr.M.A.Sampathkumaran yesterday evening.

Kindly acknowledge receipt and oblige.

Copy of letter dated the 9th August 1941, from Dr.M.A.Sampathkumaran to Mr.A.B.Mackintosh.

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I send herewith a true copy of a statement which Mr.S.K.Narasimhamurthy, who came to my house voluntarily, wrote out and left with me. I shall be obliged if you will kindly communicate this to the Vice-Chancellor.

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* True copy of the statement.

Confession that I made before the Vice-Chancellor to-day at 9.30 a.m. at his residence.

As I stated before the enquiry by the V.C. I was in charge of preparation work. During the practical examination one day when the examiners were sitting in the room and I was passing specimens and slides - Mr.N.K.A.Aiyar made bold to ask of a tip or two from me which I first hesitated and again I gave. The other students noticed it and wanted to take advantage of this help which I did give to all students in the hall.

At the end of the examination on the last day when all the students except Mr.Alwar was there they said "We thank you for your help". Then I said "Do not mention. After I did help you much. Your work and merit was there."

One day Professor asked me if it is a fact that Khaleel Ahmed was given a tip or two from you, and also asked me that I should ~~ha~~ not have done this and also castised me for not having brought it to his notice.

Then I told him that since I had given a hint to all the students that no one had any special help, so I did not bring it to his notice.

Another day I told him that there were rumors of servant having helped in the practical examination. He asked me to find out from the servant and I accordingly did and the servants said that they never did such a thing which fact I told the Professor.

On a day Mr.K.B.A.Khan said that his name and my name were clubbed together in an anonymous petition. I ~~xxxx also said that~~ I heard for having helped in the practical examination. I told him that I had also heard the news.

Sd.S.K.Narasimhamurthy
Dept.of Botany

At the Prof's. House
1.P.M. 9th Aug.1941.

(Corrections as in original, True copy: Sd.M.A.Sampathkumaran: 9-8-41).

INTRODUCTORY.

A report based on the enquiry in the last week of July into the conduct of the Botany Honours Examination of 1941 was circulated to the members of the University Council, and it was proposed that the report should be discussed by the University Council at its meeting held on the 9th August 1941. On the morning of the 9th August Mr.S.K.Narasimhamurthi, Lecturer in Botany in the University came to my house and handed in a letter in which he asked for an interview to make a confession. The confession which he wrote out in my house was placed before the University Council at its meeting that day, and it was resolved that further enquiry should be made by the Vice-Chancellor.

The second stage of enquiry lasted from 11th August to 29th August.

Mr.Alwar Iyengar, candidate No.163, who at first declined to be orally examined subsequently asked that he might be given an opportunity to be heard, and he was accordingly examined on the 18th Aug.

The report has been accordingly revised in the light of the statements made by the several persons who were examined between the 11th and the 29th August. The first section which is concerned with the submission and valuation of class records has had a section added to it to bring in an examination of Mr.Alwar Iyengar's statement. The second and the third sections remain unaltered because no new facts came to light, requiring a revision of the conclusions embodied in those sections. The fourth section has been entirely re-written because of the allegations made by Mr.Narasimhamurthi in his confession and the line of enquiry that these allegations rendered necessary. It will be found from a study of the record of the examination of the persons that helped in the enquiry, a number of new facts came to light, and some serious allegations have been made, which require, to say the least, further investigation.

In asking questions of the persons who appeared before me, and examining the available records, I have tried to get adequate and reliable data to answer the following questions:-

Was the Botany Honours Examination of 1941 conducted with full regard to the rules and proprieties that should regulate the conduct of University Examinations; or, was there in any respect a deviation from them, and if so, what were its nature and measure?

The possibility of such deviation arose from the fact that the son of the Chairman of the Board of Examiners was one of the candidates. This possibility gained colour from the fact that the said candidate who scored a first class was reported to be of average intellectual calibre, as was indicated by the fact that his performance in the Intermediate Examination, class examinations, and the B.Sc.Honours Preliminary was either average or not much above average, in any case not first class.

I did not make it my task to enquire at the outset, from the other end viz., whether there had been irregularities. The distinction may appear subtle, but I wanted to proceed on the assumption that a Professor of the standing of Dr.Sampathkumaran ought to be trusted to maintain the integrity of our examinations, and was not likely to be influenced by personal considerations.

The stages at which there might have been deviations from strict regard for rules and proprieties are the following:-

I. The submission and valuation of class records;
II. Preparation and scrutiny of question papers by the Board of Examiners and their despatch to the Registrar;
III. The valuation of the answer books; and
IV. The conduct of the Practical Examination.

I. Submission and valuation of class records.

Students in Botany and other science subjects are expected to maintain records of their work during the three years, and in the case of Botany the records fall into the following groups:-

a. record of work in the practical classes viz.,drawing;
b. herbarium specimens collected on excursions in the State and outside;
c. slides prepared from time to time, and;
d. notes of work done in the library or with books borrowed from the library.

It has been ascertained that these records are valued only at the end of the third year, some time before the University Examinations are held. It was stated that the drawings, the herbarium specimens, and the slides were examined from time to time, although no marks were given, nor was any indication given, on the inspected records that they had been inspected. It was said, however, that an indication of the drawings being inspected was drawings by the inspecting teacher to show the correct drawings to the student on the blank leaves between the drawing sheets. The library notes were inspected only once, at the end of the third year when they were valued. Class records carry a maximum of 100 marks, and this used to be distributed in the proportion of 50 for drawings, 25 for herbarium specimens and slides, and 25 for library notes. Latterly the proportion allotted to library notes had been reduced from 25 to 15, and this year the professor said it had been reduced to 10, while Messrs.Seshagiriah and Rangaswami stated that it was 15. There is no means of verifying this since the list furnished to the college office for transmission to the University gives only the total marks only for the complete maximum of 100.

The marks assigned in the case of each student separately to each kind of class records mentioned ~~hax~~ above were this year entered by Mr.K.N.Seshagiriah on a list signed by him and by Mr.K. Rangaswamy, another member of the staff of the Botany Department, and given to Professor Sampathkumaran. The list, however, is not traceable, and Dr.Sampathkumaran in his evidence could not say whether

he took the list from his Assistant or after merely looking at it, prepared his own list of final marks for despatch to the University through the college office. He also said that no register of the marks assigned to the class records was maintained in his Department because it was considered unnecessary. It is also learnt that the class records other than herbarium specimens and slides which are in the custody of the department, viz., drawings and library notes are brought to the department by the candidates a month or so before the University examination begins, and they are duly valued by a member of the staff and by the Professor.

This year the six candidates for the final honours examination in Botany submitted their records to the Department, and it was stated that this meant as a matter of fact that the books of the several candidates were handed over to an attender who placed them in the room of Mr.K.N.Seshagiriah, who had been assigned the work of valuing the records, but who happened to be absent at the time these books were placed in his room. Mr.Seshagiriah valued the records duly allotting the marks between the different kinds of records in the proportion of 50 for drawings(Practical records) 20 slides, 15 for herbarium specimens and 15 for library notes. Mr.Rangaswamy had been told off to assist Mr.Seshagiriah, but evidently there was some hitch in the matter, and Mr.Rangaswamy did not help Mr.Seshagiriah on the latter's requisition only, but waited till he got oral instructions from the Professor directly. Mr.Seshagiriah showed the list of marks he had prepared to Mr.Rangaswamy, and told him that he was at liberty to go through the records independently, and drew his attention to some irregularities which he had discovered. A particular candidate had submitted along with his own the library notes of another student. He did not notice under other records any similar presentation of other people's work. He discovered that a part of the library notes presented by this candidate was not his own, because the name written on some of the library note books

was not his. These note books were covered by wrappers on which the candidate's name was written, but the wrappers concealed the fly-leaf of the book on which the name of the other candidate was written. The candidate was sent for, and Mr.Seshagiriah asked him whether these books were his own. He said they were his, upon which Mr.Seshagiriah opened the wrapper and showed the name of the other student on the note books in question, about 8 or 10 in number. The student who had presented the note books went on explaining and his explanations were not satisfactory and convincing. Mr.Seshagiriah did not award any marks for the library work. Mr.Rangaswamy, who was asked to assist Mr.Seshagiriah in the valuation of the class records did not go through the records himself, but accepted the valuation of Mr.Seshagiriah. He noticed that against the name of Mr.Alwar Iyengar (candidate No.163) there was no entry under library notes. Mr.Rangaswamy asked Mr.Seshagiriah for an explanation, and Mr.Seshagiriah opened the books and showed him the name of Bakthavathsala Naidu. Mr.Rangaswami is not sure whether he saw the name of Mr.Bhakthavathsala Naidu in all the books or in a majority of books. He was shown at his examination by me and the four note books bearing the name of Mr.Alwar Iyengar and was asked whether they were among the library note books he saw. His answer was he did not think these books were among the books he looked through at the time of the valuation of the records. His recollection is further that none of the library note books produced by the candidate No.163 were his own books and all of them had the name of Bhakthavathsala Naidu. This did not strike him as requiring some explanation from the candidate. Mr.Rangaswamy concurred with Mr.Seshagiriah in putting zero in the list against the name of the candidate No.163 in the column 'library notes', and the list was submitted to the Professor. The Professor's reaction to this is differently described by Mr.Seshagiriah and Mr.Rangaswamy. Mr.Seshagiriah says that on receiving the list, the Professor immediately went to where Mr.Seshagiriah and Mr.Rangaswamy were sitting and said, "why have you given my son zero? He had shown the books

to me". On the other hand Mr.Rangaswamy's statement is that Prof. Sampathkumaran came and told them that he had seen a few of the library note books of No.163. Mr.Rangaswamy thought the Professor's attention would be attracted by the fact that No.163 got a zero and that he would enquire into the matter.

Prof.Sampathkumaran's version of the incident is as follows:- "This year Mr.Seshagiriah, to a certain extent with the help of Mr.Rangaswamy, valued the records and I later had a meeting of these two people and myself and after re-valuing I sent the list to the Office." When asked to explain what he meant by "re-valuation", he answered as follows:- "The candidate No.163 did not present his library notes at first. This came to my notice and I sent word to the boy and asked him why he did not submit them. He said he had only a few, and showing some of the library notes of other candidates that he had with him he explained that they were merely copied from books or the notes of other students. I told him to take his as well as of the others that he had with him to Mr.Seshagiriah. Later Mr.Seshagiriah brought the award of the marks to the candidate 163 in respect of library notes. I told him that it was not fair not to give any marks to the said candidate. For the few books that he had produced he may be given some marks. Since the library notes of all the candidates is more or less copies from other books or notes the maximum may be reduced from 15 to 10. This was agreed to and we gave the candidate, I remember, 2 or 3 marks out of ten for this work. The five marks that were taken off of this part were added to herbarium and the awards under this item were changed, i.e., new awards were made."

It would appear according to Dr.Sampathkumaran that (1) he was aware that his son was sending along with his own library notes library notes of another student; (2) this was done to invite the attention of Mr.Seshagiriah to the fact that these library notes

were of no special significance - since they consisted of passages copied from books or other students' notes; (3) although Prof.Sampathkumaran had been aware for about five years that this practice of passing off as one's library notes either extracts of books or passages copied from other note books was in existence, he took no action either to stop the practice if he thought it pernicious or useless, or to lower the importance attached to it till this year(he says, however, the proportion of marks assigned to library notes was reduced even last year from 25 to 15, while this year a further reduction was made from 15 to 10). What requires to be explained is why as the Head of the Department, he did not himself look into the matter, and devise such remedial measures as might be necessary, instead of asking his son to submit to his assistant,Mr.Seshagiriah the notes of another student as an example of the futility of such notes. Nor did he explain why the candidate in question tried apparently to pass off the notes as his own, as is suggested by the fact he covered up all signs of the true authorship of the notes by wrapping up the covers and entering his own name on the wrappers. Mr.Bhakthavathsala Naidu, the writer of the borrowed notes in question said that his notes had been appreciated by his teachers and also by his class mates and others, the latter of whom paid to him the compliment of borrowing the notes. The candidate No.163 borrowed them and kept them for a long time. The conclusion is obvious that the notes were useful to him, and he could not have presented them as an example of something that had to be avoided, or eliminated. When the marks lists for the class records was shown to Dr.Sampathkumaran, he does not seem to have gone into the question, but enquired why the candidate was given zero at all, and apparently merely assumed the zero was given because the student had presented no (or few) note books. For, according to Mr.Rangaswamy, he seems to have said he had seen a few of the library note books of No.163. The two or three marks out of ten are evidently to be assumed to

have been given for the note books he presented. Themarks given to this candidate in the list sent to the college and the University is 58, but there is no way of ascertaining what was the exact degree of re-valuation, and neither Mr.Seshagiriah nor Mr.Rangaswamy was able to tell us what the original mark was. And the list signed by them is not forthcoming.

It is difficult to accept the explanation of Dr.Sampathkumaran, and the conclusion is warranted that the candidate No.163 did attempt to pass off the notes of another student as his own. It is true that the benefit he would gain by this attempt was comparatively little. The maximum 10 or 15 is less than 1/100th of the total marks, but the malpractice cannot, on that account be ignored.

Mr.Alwar Iyengar, candidate No.163, admitted that he submitted along with his own library notes the note-books of another student viz., Mr.Bhakthavathsala Naidu. According to him, he did this, however, to bring to the notice of Mr.Seshagiriah that the library notes of students consisted merely of extracts from text-books and sometimes were even copied from the notes of other students. His motive was claimed to be a desire that he might not be penalised for not making many volumes of notes, and that Mr.Seshagiriah should not undervalue his work although the quantity was little. He admitted that he put wrappers or covers on each of the note-books of his friend and also that he wrote on these wrappers his own name just before handing in the books. The former was done, according to him, to keep the note-books clean as the owner was particular, and the latter to prevent the note-books being returned to Mr.Bhakthavathsala Naidu direct. It is difficult to accept this explanation, specially as he took no steps whatever to meet Mr.Seshagiriah before the latter examined the books. If he had no intention of trying to pass off another student's books as his own, it was easy for him to tie up the seven or eight note-books of his friend in one lot and attach a slip of paper on which he could have stated that

these were presented for the purpose for which he says he submitted them. Nothing that Mr.Alwar Iyengar said in his evidence has contributed to modify the conclusion that he did attempt to pass off the notes of another student as his own. In this connection it has to be noted that Mr.Alwar Iyengar has admitted that Mr.Seshagiriah was all along well disposed towards him, and therefore if the latter got wild with him, and did not accept his explanation, it must be for a good reason.

II.Preparation and scrutiny of question papers by the Board of Examiners and their despatch to the Registrar.

Under this head has to be examined the possibility whether the complete secrecy in respect of the question papers which is enjoined on all examining boards was observed. According to the details given by Prof.Sampathkumaran, there is not much time lag between the receipt of question papers, their scrutiny by the Board and their despatch to the Registrar, nor does it appear that the custody of these papers offered any scope for leakage. The papers were kept in the almirah of the Professor in the Botany Department, when they had to be retained by him. The first draft of the paper and any correction slips are all said to have been destroyed promptly. There seems to be, therefore, no reason to hold that there could have been any involuntary violation of the secrecy attached to the work of the Board of Examiners. The only other possibility, which has to be mentioned without suggesting its occurrence, is that there might have been a voluntary leakage. That is to say, the Chairman might have revealed the questions to any one in whom he was interested. It is hard to believe that one of Dr.Sampathkumaran's standing would be guilty of such practice. In order, however, to make the enquiry complete by examining all possible, however remote and unlikely, ways in which a candidate could have benefitted illicitly, all the answer papers of all the six candidates were sent to a Professor of Botany

who was in no way connected with the examination of 1941, and he was requested to go through them and report whether the answers of any candidate indicated that he had a knowledge of the questions beforehand. It will be seen from the copy of the letter received from the gentleman in question that there is no clear indication of any previous information regarding the question in the answers of any candidate. He goes on to add, however, that while the majority of candidates have maintained a uniform standard in the answers to the different questions of each paper, the answers of candidate No.163 appear to vary widely in regard to quality and standard. In each answer paper of this candidate the answers to the first two or three questions are definitely of a higher standard than those attempted subsequently. There are numerous references to authors and previous work in the answers to certain questions, while certain others are not only lacking in such references but are of a lower standard. The referre goes on to add that this may be due to his having been well prepared for some expected or probable questions. It is of course a fact that students are generally in the habit of preparing answers for likely questions, and this may well have been so in the case of the candidate in question. In any case no positive conclusion can be drawn from a scrutiny of the answer papers, that candidate No.163 had access to inside information as to the questions that had been set in the papers for the Botany Examinations of 1941.

III. Valuation of answer books.

Each candidate had to answer six papers on theory, and each of these papers were valued by two examiners. Dr.Sampathkumaran set 2½ papers including ½ paper in the case of those who took Zoology as a special subject. He put himself down as the second valuer for three more papers. That is to say, he valued either as first valuer or as a second valuer answer books of five papers out of six. It is found that candidate No.163 gets first class marks in four papers out of

six, and a second class marks in one paper and a third class mark in another. The marks given by Prof.Sampathkumaran are consistently lower than those of his fellow examiner, Dr.T.S.Raghavan in three papers. In the fourth paper which he valued along with Mr.M.S. Sabhesan his total mark is lower than his colleague, but his colleague has given no detailed marks so that no comparison can be made of the marks, question by question. In the paper he valued with Dr.Manjunath the candidate gets 31 marks at the hands of Dr.Samparhkumaran(one part only) and 16 marks at the hands of his colleague(the other part). In the paper valued by two examiners other than Dr.Sampathkumaran the candidate gets 54 marks. No candidate gets first class marks in this paper, however. There is something striking about the symmetrical shortage of marks as given by Prof.Sampathkumaran in comparison with the marks given by his colleagues in the three cases, where detailed marks are available. From Dr.Sampathkumaran's statement, however, it is learnt that he had no knowledge of the marks given by his colleagues who moreover sent him only the total marks and not marks question by question. He also stated when he appeared before me that he had asked his colleagues who had brought the answer books and their marks lists to Bangalore when they came for the practical examination, not to show him their marks till he had finished his valuation. It has to be pointed out, however, that he had seen their marks(totals) before he sent his own to the Registrar. In the absence of any positive evidence to the contrary there can be no suggestion of biassed valuation.

IV. Conduct of the Practical Examination.

The Practical Examination consists of three papers one for each day of the three days of examination, and the examiners were Dr.Raghavan, Prof.Sampathkumaran and Prof.Sabhesan, and these examined the candidates on different days, two of them each day. Each of them was to have examined and marked at two of the practical examinations. It appears that Dr.Raghavan who examined on the first day with Dr.Sampathkumaran had to leave before he could take the next practical examination, so that his work on the second day also fell on Dr.Sampathkumaran, who, therefore, was one of the examiners for each of the three practical papers. In the first report the case of candidate No.163 who had done very well getting 201 out of 300 marks, the second highest mark, was examined, and the question was considered whether the candidate did get first class marks entirely on his merits or he had received any adventitious aid. Two possibilities were examined, apart from the likelihood of the candidate having been lucky in the Practical Examination, viz., that he had received some illicit help in his work, or that, without being conscious of it, the external examiner might have been influenced by the fact that the candidate happened to be the son of his colleague. In view of Mr.Narasimhamurthy's emphatic testiminy when he first appeared on the 28th July, the possibility of illicit help was ruled out, and so was the probability that the examiner had been influenced in his decision by considerations of the kind mentioned above. Therefore the only comment on the conduct of the practical examination that was made was the following : "It must be set down as a serious error of judgment that Dr.Sampathkumaran should have placed his colleague and himself in so equivocal a position."

The position has been radically changed by Mr.Narasimhamurthy's confession and even more by the information elicited in the course of the examination of the members of the staff and the students of

the Botany Department since the 9th August. Before the allegations or the facts are listed for consideration there is one matter relating to the conduct of the Practical Examination, to which attention has to be first drawn. That is the fact, which did not come out in the earlier part of the investigation, that Mr.Narasimhamurthi had no official sanction whatever to take part in the conduct of the Botany Honours Examination. In previous years, the practice was that all the work in connection with the University Examinations in Botany, as in other subjects, was done by persons who were appointed by the University Council, and one of them was entrusted with the task of preparing the material for the practical examination and he was also present in the examination hall when the examination was being conducted. The remuneration for such work was drawn from University funds on bills countersigned by the Chairman of the Board of Examiners in Botany. This year Mr.S.K. Narasimhamurthi was entrusted with the task of distributing the specimens to the candidates and he was also in the practical examination hall during the hours of examination. He was evidently also asked to assist the Chief Examiners in the work of invigilation, help the students in the way of supply of specimens, transmission of the box of slides from one candidate to another, and so on. The thing to be noted is that Mr.Narasimhamurthy was called upon to undertake these duties in connection with the University Examination without either the approval or the knowledge of the University Council or the Vice-Chancellor. Further, he was to draw his remuneration not directly from the University funds on a bill countersigned by the Chairman of the Board of Examiners in Botany, but was to be reimbursed by the Examiners and Assistant Examiners whose work he took over in respect of preparation of materials, etc. It was stated by Mr.Narasimhamurthi that two of those whom he helped paid him certain sums, one of them even deducting the corresponding amount of income-tax before he made over the

remuneration to Mr.Narasimhamurthi. Dr.Sampathkumaran himself had made no payments when he was examined on the 23rd August and he subsequently sent a cheque to Mr.Narasimhamurthi. Dr.Sampathkumaran's explanation was that Mr.Rangaswamy who was to have done this work fell ill just before the examination and that he appointed Mr.Narasimhamurthi as an emergency measure. He could not, however, explain why he did not get his action ratified by the University authorities subsequently. It must be set down that both the share taken by Mr.Narasimhamurthi in the conduct of the University Examinations in Botany as well as the method of remunerating him are highly irregular. The Professor's explanation that he was acting in the best interests of the examination was subsequently modified by him when the script of his evidence was sent to him for attestation and an expression of regret was added. This irregularity will no doubt be considered by the University Council in due course. The Professor has added in his script of his examination a statement to the effect that Mr.K.Ranguswamy was asked during the examination of 1940 to assist in exactly similar circumstances. The University Office has no knowledge of this and the assignment of examination work was certainly irregular. It must be pointed out that when in 1939 Dr.M.A.Sampathkumaran first suggested the name of Mr.K.Rangaswami for preparation work for the degree and honours practical examination the University did not permit this since Mr.Rangaswamy was not appointed as an Examiner. Then Dr.M.A.Sampathkumaran suggested the name of Mr.S.B.Kausik which was approved by the University. Mr.Kausik has drawn the remuneration for this work.

Turning now to cases of malpractice said to have taken place, the following are the ways in which the candidates are said to have been helped during the practical examination in Botany Honours:-

(1) All the candidates(except one) were helped in the identification of the specimens of plants given to them;

(2) Help was given to one or more in identifying the slides; and

(3) Sections of materials were made outside the examination hall and sent to a candidate who could not make them himself.

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(1) Mr.Narasimhamurthi has stated in his written confession as well as in his answers to questions, that he helped all the candidates except one(Mr.Gopalakrishna) to identify the specimens. According to him, his help seems to have been of a limited character viz., to say "yes" or "no" when he was asked if the identification suggested by the candidate was correct or not. If the candidate was about to make a correct identification, he would answer "May be"; on the other hand if he was going to make an incorrect identification, Mr.Narasimhamurthi's answer was "May not be." So far as this alleged occurrence is concerned, the only testimony is that of Mr.Narasimhamurthy himself. The candidates for the examination who were asked on the subject denied they received any kind of help. It is difficult to say who is to be believed, but the thing in favour of Mr.Narasimhamurthi speaking the truth is the fact that he stands to lose heavily if his statement is accepted.

It has also been stated that Mr.Narasimhamurthi took some specimens outside for the benefit of the M.Sc.students and that Mr.M.A.Sampathkumaran, a relation of candidate No.163, was interested in ascertaining under which letters in the question paper the different specimens were arranged. The inference is that he was anxious to convey information to some one in the examination hall regarding the identity of specimens arranged under the different letters. It has also been stated by one of those that came up for examination that Mr.Narasimhamurthi himself could not identify one specimen, and he sought the help of one who was specialising in the study of the group to which that specimen belonged.

(2) As regards slides it has been stated that Mr.M.A.Sampathkumaran conveyed information on slips of paper sent with slides to some candidates in the examination hall. Similarly another Lecturer in Botany, Mr.Bashir Ahmed Khan is stated to have sent a slip probably containing some hints to a candidate which he wanted to go round the class, but the slip is alleged to have been retained by the first or the second candidate, and the rest were said to have been indignant about it.

(3) It has been stated by a member of the staff of the Botany Department that he saw Mr.Sampathkumaran, M.Sc.(who was a temporary Member of the staff of the Medical School till February 1941) taking sections of two bits of materials with a razor, with the peons of the Department by his side. Mr.Sampathkumaran took sections and put them in petri-dishes, and the peons took them away, one of them saying that it was time and hurrying Mr.Sampathkumaran. The inference that this help was intended for candidate No.163 is supported by the statement made by more than one person that this candidate cut his finger on the first or the second day of the examination, on which days some sectioning work had to be done. Though the candidate denied that he had been so seriously hurt as to be unable to make sections at all, one of those that assisted in the enquiry has made a definite statement that the candidate told him he was altogether unable to make the sections required in the examination. Mr.Narasimhamurthy refers in his confession statement to the help alleged to have been given by Mr.Sampathkumaran to candidate No.163, but he also says that his enquiry of the servants elicited no support to the allegation. But when he appeared to answer questions subsequently on the 20th August he said that after he had finished interrogating the servants and had reported to the Professor, he met Mr.Jayarama Reddy who told him that he had noticed some such irregularity and that the latter had warned Mr.Sampathkumaran. After this both Mr.Narasimhamurthi and Mr.Jayarama Reddy went over to where Mr.Sampathkumaran was(in another part of the department), and the latter reminded Mr.Sampathkumaran

of the warning he had given him to which the latter replied rather jauntily. It is curious that Mr.Narasimhamurthi should not have reported what he heard at once to the Professor, and his reply to questions on this failure cannot be called to be satisfactory. On the other hand Mr.Narasimhamurthy's version of this incident has been confirmed by Mr.Jayarama Reddy who was examined the following day.

The presence of Mr.M.A.Sampathkumaran in the Botany Department during the practical examination is itself a matter for comment, seeing he had no official duties, since his services were terminated sometime before and he does not seem to have been carrying on any research work. He was asked to present himself and answer questions, and his refusal to do so and the manner in which he addressed the Registrar have been communicated to the members of the University Council already.

It must be concluded, therefore, as regards the conduct of the practical examination in Botany Honours that there was definitely a deviation from the rules and proprieties that should regulate the conduct of the University Examination in that a share in the examination was taken by a person who was not officially recognised for the purpose. There is also considerable ground to hold that one of the candidates No.163, received help illicitly. Whether all the candidates received such help is a matter that cannot be adjudged with the evidence now available, nor is it possible if more than two persons viz., Messrs.Narasimhamurthi and Sampathkumaran gave any such help. Mr.Narasimhamurthi's allegation that Mr.Bashir Ahmed Khan gave some help was denied both by the latter or as well as by the candidates.

The conclusion that a candidate has been guilty of a malpractice or of malpractices and that some persons helped the candidates does not necessarily mean that the Professor was either aware

of them or still less that he connived at them. So far as help in the examination is concerned, there is no reason to doubt the Professor's disclaimer. As regards Dr.Sampathkumaran's version of the presentation of the library note-books, the conslusions of this enquiry have been stated above.

Finally attention has to be drawn to Dr.Sampathkumaran's attitude towards the enquiry and allegations regarding his conduct during its course:-

(1) It will be recalled that when I wrote to Dr.Sampathkumaran on the 23rd July that I proposed to proceed further with the enquiry and to examine him and other persons, Dr.Sampathkumaran contended in his letter of the 25th July that it would be very unjust to him and prejudicial to his interests to have any members of the University Council to take part in any enquiry. He went on to add that this enquiry might be used to find, if possible, evidence to justify an adverse conclusion arrived at much earlier. When he was examined on the 23rd August, he suggested that adverse statements had been obtained by third degree methods, and he wanted his specific statement to be taken down that evidence had been manufactured to support the resolution of the University Council passed on the 26th April, instituting a second examination for candidate No.163.

(2) It has been stated both by Mr.Narasimhamurthi as well as Mr.Seshagiriah that they and Mr.Rangaswamy who were likely to be called up for examination during the enquiry were instructed what to say, and at least one of them prepared a list of questions and answers which was approved by the Professor. It will also be recalled that Messrs.Seshagiriah and Rangaswamy who submitted written answers regarding library notes through the Professor, gave an entirely different version during the oral examination.

(3) Dr.Sampathkumaran seems to have expressed dissatisfaction with the conduct of Dr.Srinath for having upbraided Mr.Narasimhamurthi for breaking his word to the Registrar to keep his talk with him confidential. It is significant also that Dr.Srinath who even before he went to England for higher studies was doing work with the Hons.classes in the Central College was limited to work entirely in Intermediate College, even though he returned with higher qualifications from England. Similarly Mr.Narasimhamurthi who was doing, till recently, work with the Hons.classes in the Central College has stated in one of his written statements that he has been recently asked to limit himself entirely to work in the Intermediate College.

Sd.N.S.Subba Rao,
Vice-Chancellor.

"Copy"

Bangalore,
11-9-1941.

Dear Sir,

1.My letter dated 4-8-1941 objecting to the correctness of the record made by you about the resolution passed by the University Council at its meeting held on 19-7-1941 in regard to the enquiry into the allegations about the mal-practice of Botany Honours candidate No.163, and pointing out how at the meeting on 19-7-41 you pleaded inability to hold the inquiry yourself and requested four members to be associated with you in the enquiry to assist you, how when they declined to agree Mr.Rollo appealed to them for co-operation and then three of them agreed, and how the Council then appointed a Committee consisting of yourself and three members to hold the enquiry.

2.Registrar's reply dated 7-8-1941, stating that according to the Vice-Chancellor's recollection it was decided that he should hold the enquiry, and that he agreed to do so availing himself of the assistance of three members of the Council, and adding that "there was no suggestion that these should form a committee.

3.My letter dated 13-8-41, stating how you put the question to vote on 9-8-41 giving a ruling that I should not speak, and declaring that votes should be taken after merely reading my letter and your reply, how in violation of such an agreement you read a written explanatory note in support of your own version without conceding a similar privilege to me, how you also read out your letter dated 23-7-41 to Prof.Sampathkumaran although I objected to it as being irrelevant, how the majority rule always pre-supposes a full discussion of the question before it is put to the vote and does not contemplate a decision by mute votes, and how your action was neither fair nor just. My letter further pointed out that you brought before the Council a false charge against me, viz., that I had alleged that you had drafted the resolution of 19-7-41 after the completion of the enquiry, that I at once contradicted it and stated before the Council that you imputed to me a statement which I had never made and asked you to read my letter, that you did not do so or withdraw the false charge, and that this was also not fair or just.

4.Your reply dated 20-8-41 to the above letter, stating that my letter will be placed before the University Council at its next meeting and their decision taken as to the course of action to be adopted.

5.Copy of the proceedings of the Council meeting held on 9-8-41, which was received on 23-8-41, and in which it is recorded as follows (18) regarding my objection :-

"The Vice-Chancellor asked the eight members other than the objector who had been present at the meeting of the 19th July 1941, to state their recollection of what happened. Mr.McAlpine said that his impression was that a Committee had been approved with the Vice-Chancellor as Chairman with three other members as members of the Committee.

"The other seven members stated that their recollection was that no Committee was appointed and that the proceedings as drafted were correct.

"The Vice-Chancellor then stated his own recollection which was to the effect that no Committee had been appointed."

6.Registrar's letter dated 23-8-1941 giving the following reply regarding the copies requested by me:-

Some of the documents of which copies were asked for.	Registrar's reply.
(a) Vice-Chancellor's written note read out by him before putting to vote the question of the correctness of the resolution of the Council passed on 19-7-41.	The Vice-Chancellor made a statement of his recollections, and had put down what he remembered before the meeting. It was not a statement to go on record, and so no copy can be sent.
(b) Two letters referred to by Mr.McAlpine in the statement made by him when the above question was put to vote.	Mr.McAlpine's letter which was referred to, was cancelled, and is not on record. So no copy can be sent.

I. With reference to the above I beg to state as follows:-

The question of the correctness of the resolution as recorded by you in the copy of the proceedings which you sent after completing the whole enquiry forms, as you are aware, a part of the major controversy whether it was not the committee of four persons appointed by the council which ought to have held the enquiry, and whether the Vice-Chancellor alone was competent to hold the enquiry himself, as he has done, excluding the three members of the Committee, without previously obtaining the orders of the Council to do so. A brief reference to this background is necessary in order to properly appreciate the importance of my objection regarding the correctness of the resolution as recorded in the copy of the proceedings. After the Council resolution on 19-7-1941, we were awaiting the receipt of a notice from you fixing the date of the committee to meet and decide the preliminaries of the enquiry including questions of procedure. But no such notice was received, and it was a surprise to learn from your letter dated 26-7-41 that you had already commenced the enquiry yourself without convening the committee appointed by the Council. Your letter was received on 28-7-41 and I immediately wrote to you on the same day pointing out that you should not have invited Dr.Sampathkumaran to "discuss the preliminaries of the enquiry" as he was the most interested person, that the procedure adopted by you was fundamentally wrong, and that the enquiry held by you was void and not binding on the Council. It will be remembered that this had been communicated to you before the controversy about the correctness of your record arose between you and me, and before even the copy of the proceedings of the meeting of 19-7-41 had been sent by you. It will thus be seen that before I wrote to you on 4-8-41 objecting to your version in the copy of the proceedings, I had already written to you about my recollections as to what had happened at the meeting on 19-7-41, that I honestly believed that the Council had appointed a Committee to hold the enquiry, and that they had not at all authorised you to hold the enquiry yourself. It will also be remembered that you did not intimate to me or to the other two members, before you started the enquiry, that in your opinion the Council had authorised you to hold the enquiry yourself, and that you had decided to start the enquiry yourself without the three members. You rushed through the enquiry for three days and then informed them for the first time that you had done so, forwarding copies of the proceedings of the first two days.

II. (1) Again, I was not the only person to be surprised by your hurried action. Mr.McAlpine was equally surprised of the procedure adopted by you contrary to the Resolution passed by the Council on 19-7-41, and he had also communicated to you on 31-7-41, i.e., four days before the controversy arose between you and me regarding the incorrectness of your record, his own recollections as to what actually had happened at the meeting on 19-7-41. You know that Mr.McAlpine has positively stated in that letter, "that he himself suggested at the meeting that the Vice-Chancellor, as the head Executive officer of the University, was the obvious person to conduct the enquiry himself"; "that you yourself opposed that proposal and said that you would prefer not to conduct the enquiry alone, and that you would like to have associated with you several members of the University Council, to constitute a committee of enquiry, of which you would be the chairman"; and that the University Council accordingly approved and constituted the committee on 19-7-41 for holding the enquiry. It will thus be seen, that the truth of my contention that the University Council had appointed a committee on 19-7-41 to hold the enquiry, has been conclusively established by the unimpeachable evidence of Mr.McAlpine, which he had communicated to you four days before anybody knew of your version, which you sent to the members only on the 2nd August 1941. It is a significant circumstance that you did not contradict Mr. McAlpine's letter dated 31-7-41 which you must have received in Bangalore on the same day.

(2) That long before you issued your copy of the proceedings of the meeting held on 19-7-41, I honestly believed that it was a committee that the University Council had appointed on 19-7-41 to hold the enquiry, that you adopted a wrong procedure in holding the enquiry yourself without the committee, and that your proceedings were void ab initio, are facts which will be supported by Government, if necessary, and I had not the slightest idea of your version in your copy of the proceedings. Similarly, it cannot for a moment be conceived that Mr.McAlpine knew anything of your version when he wrote to you his letter dated 31-7-41. Both of us, i.e., two out of your three colleagues, had expressed our belief in the constitution of a committee of inquiry, long before the controversy arose. All other members, including your goodself, expressed their recollections only after the controversy had arisen between you and me. Hence, according to recognised canons of appreciation, my recollections and those of Mr.McAlpine are entitled to greater weight.

III. Mr.McAlpine's letter throws considerable light on the other matters also. He says:-

(1) "that on more than one occasion you said that you did not quite know the best way of setting about making enquiries"; and that it was on account of "this feeling that you had asked for a committee, rather than make the enquiry yourself";

(2) "That ever since 19-7-41 he had been waiting for the notice of the first meeting of this committee of enquiry"; and "that he thought that your first action would be to hold a meeting of the committee in order to lay down the procedure to be followed in the enquiry";

(3) "That instead, you invited Dr.Sampathkumaran to meet you "to discuss the preliminaries of the enquiry"; and that "Dr.Sampathkumaran was the last person who should at that stage - have been communicated with in any way";

(4) "That the only procedure which could have had any chance of revealing the truth was to have obtained the relevant note books immediately"; and "that the long delay in the production of the note books of Dr.Sampathkumaran's son gaveaway the whole line of enquiry";

(5) "That the subsequent obtaining of a statement from Mr.Seshagiriah through Dr.Sampathkumaran lessened any chance of the real truth ever being obtained"; "that if Dr.Sampathkumaran had been guilty of any misdemeanour in this matter, he has now had ample warning and plenty of time to arrange for a defence"; and "that the drawing and other note books, being undated either by the student who made them, or by the member of the staff who valued them, could easily have been written up for the occasion during the weeks that elapsed before they were finally produced."

IV. With respect to Dr.Sampathkumaran's objection on the basis of standing orders of Government, it has to be pointed out that it was entirely misconceived and that you should never have entertained it. The enquiry related to the mal-practice of candidate No.163. He is certainly not a public servant, and Dr.Sampathkumaran who was only a witness in the case had no right to raise the misleading objection and create confusion, and you should not have allowed him to do so. The powers of appointment and dismissal, subject to the orders of Government, are vested in the University Council under the law, and it is very much open to doubt whether the powers expressly conferred on an autonomous body as the University by a legislative enactment can be taken away by an executive order of the Government. The law is supreme, and the supremacy of law must be recognised by Government. I may go a step further and say that, in a famous controversy, the Mysore Durbar itself asserted the Supremacy of law and questioned the validity of the conflicting executive orders of the Government of India. It caused some embarassment to both sides, and the question was ultimately set at rest by a full Bench decision of the Mysore High Court, which was accepted by the Government of India and which changed the entire course of legislation in this respect. Hence, it is not open to Government to give a contrary ruling on the vexations and frivolous objection raised by Dr.Sampathkumaran. As the Vice-Chancellor is aware, an Assistant Professor was concerned in an examination scandal about 10 years ago, when Dr.Metcalfe held the enquiry and found him guilty of grave misconduct, and on the recommendation of the University Council the Assistant Professor was dismissed. Again a committee of the University Council recently enquired into the conduct of a certain professor, and on the committee's report the Council has sent up a recommendation to Government, and nobody ever thought of the Standing Orders of Government being a bar against such an enquiry under the orders of the University Council. There was also another reason why you should not have admitted that objection irrespective of its manifest inadmissibly on the ground of the offender(candidate No.163) not being a public servant. In the course of the lengthy discussions on 31-5-1941, it will be remembered that some members expressed their apprehension that the enquiry into the conduct of the son might perhaps lead to revelations unfavourable to the father and therefore opposed the enquiry, and you yourself were pleased to

remark in your circular letter dated 4-7-41, that "they would not look upon an enquiry by the University Council or its committee as giving Dr.Sampathkumaran a fair and impartial enquiry." But such a theory did not commend itself to the other members who insisted upon an enquiry in the interests of purity and prestige of the University. Thereupon, the members who opposed an enquiry raised a fresh objection on the authority of the standing orders of Government relating to enquiries into the conduct of public servants, and contended that the Government must be requested to appoint an independant officer to hold the enquiry. The Council considered this aspect of the question also, but it found no support and the Council ruled it out after some discussion. It was held that in such an event the Council would be abdicating its statutory functions, and that the said standing orders of Government are inapplicable to the case before the Council and could not be deemed to oust its jurisdiction. The Council then passed the resolution on 31-5-41. This unanimous resolution was legally binding on you as well as on Dr.Sampathkumaran, and it was not open to you to have allowed him to re-open the same question again in direct violation of the adverse decision of the Council. Nor was it open to you to have acted contrary to that decision and nullified it, as you have done, and upheld Dr.Sampathkumaran's objection.

V. In a matter affecting the jurisdiction of the University Council and the validity of its resolution, it was incumbent upon you as its chief executive officer to have placed it before the University Council for orders. By your omission to do so, you not only lowered the authority and prestige of the Council but also deprived it of an opportunity to meet the constitutional objection raised against it. Having yourself made a reference to Government on a question of constitutional importance without the authority of the Council, what was your position? Admittedly you did not know what to do, and you did not consult the Council, as you ought to have done, to find a solution. The most natural and proper course for you was to have awaited the decision of the Government in the matter. Did you do so? On the other hand, you yourself decided the question in your own favour. You ousted the jurisdiction of the University Council, conferred that jurisdiction upon yourself and accommodated Dr.Sampathkumaran, and hurried on with the enquiry in pursuance of your own decision, throwing the three colleagues of your own choice into the shade. It is pertinent to ask on what principle and under what authority you acted before receiving an authoritative ruling on the question which you yourself had raised. Why did you not reserve Dr.Sampathkumaran's examination and proceed with the examination of the other witnesses with the assistance of your three colleagues? Have you not deliberately offended two resolutions of the University Council, viz., the one passed on 31-5-41, and the other passed on 19-7-41? What is your explanation in this respect? Have you not also caused embarassment to the Government by practically deciding the reference yourself? Have you not compromised the position of the three colleagues of your own choice for no fault of their own and placed them in an embarassing situation?

VI. As you are aware, the allegations made by Mr.McAlpine on 31-5-41 related to the alleged mal-practice of candidate No.163. This fact is fully admitted by yourself in your letter dated 4-7-41. Nobody had made any allegation against Dr.Sampathkumaran. There was no charge against him, and the Council had not authorised you to hold any enquiry against him. The enquiry related to candidate

No.163., and as suggested to you by me on 31-5-41 after meeting was over, you should have immediately sent for him in the first instance and given him an opportunity either to admit or deny the charge brought against him. Again, when you consulted your four colleagues in the first week of June, as admitted by yourself in your letter dated 4-7-41, you were distinctly made to understand that you must start the enquiry with the candidate, and that Dr.Sampathkumaran should be the last person to be thought of. It was also then pointed out to you, that if no evidence was forthcoming to support the charge against the candidate, it might not at all be necessary to examine Dr.Sampathkumaran. But this legal, constitutional and recognised procedure did not commend itself to you. The real issue was entirely confused, and you reversed all rules of elementary procedure and justice. You started the enquiry at the wrong end with the father and reserved the candidate to the last, and this led to complications. The candidate was not put on trial, and with out knowing what he had to say about the charge against him, you began questioning the father for the mal-practice of the son, and allowed him to defend the son and to find explanations, answers and arguments on his behalf. Since the possible implication of the father was mixed up with the question of the son's mal-practice, the father availed himself of the opportunity to offer, on the pretext of defending the son, his own explanations, statements and arguments to meet unframed charges against himself, and try to obtain an acquittal in advance if possible. Though the father and the son are different entities in law and in fact, you seem to have treated them as a single entity for the purpose of the enquiry, and it is very surprising that you should have thought fit to adopt such a procedure. If the father and son are held to constitute one "Legal person" in the eye of the law, each of them shall have to be held liable for the wrongful acts of the other. Such a theory leads to anomolous results and is unknown to law. If it is conceded that they are separate entities in law, as in fact they are, each being liable for his own acts, and not for the acts of the other, for what reasons and on what principle did you consider the father to be an offender, at that stage, and put him on trial?

Can you say on what principle of justice or morality you exclude your three colleagues from the enquiry and lowered their dignity and self respect? You have not explained why you did not give them an opportunity to meet the objections raised against them? You have not explained why you admitted the offensive objection fully knowing that the candidate was not a public servant. You have not explained why in such a vital and controversial matter affecting not only the prestige of your three colleagues, but also that of every member of the Council, you precipitated action of a kind which, you must have known could not be undone in the case of a contrary ruling. It is difficult to say that the course adopted by you was not manifestly illegal and highly regrettable. Your ex-parte condemnation of your three colleagues as being disqualified to take part in the enquiry, on the mere ipse dixit of Dr.Sampathkumaran which you readily accepted was, I am sorry to say, high handed. It is opposed to all notions of natural justice and fairness, and it unheard of in the annals of University Administration in any country. Out of your three colleagues, Mr.McAlpine tendered his resignation from the committee as per his letter dated 31st July 1941. I have already protested, I am protesting, and I will continue to protest until what I consider to be abuses are properly corrected and the lost prestige of the University is restored. A very simple matter has been allowed to become complicated. A situation embarrassing to you as well as to every member

of the Council has been created, and it is impossible to hold that you are not chiefly responsible for it.

VIII. (1) The only justification stated by you in your letter dated 26th July 1941 is that "there was no point in losing more time over the dicsussion of the procedure". You had no business to enter into any such discussion with Dr.Sampathkumaran. It was your duty to have given effect to the decision of the University Council and to have called upon him to obey the said decision. You invited Dr.Sampathkumaran's "views" in your letter dated 23rd July 1941, and in your letter dated 26th July 1941, you say that you invited him to meet you on 28th July 1941, in order "to discuss the preliminaries of the enquiry". Can there be a more objectionable procedure than this? Did you not compromise your own position? You were sitting as a judge in a quasi-judicial enquiry, and you were expected to make a searching and impartial investigation into the truth of the complaint against his son. Dr.Sampathkumaran, was in your conception, an offender or a possible offender. He was allowed to plead for and defend the cause of his son. He was most interested to conceal the truth by every means. But such a person was not only given the privilege of choosing his own judge, contrary to the fundamental maxims of jurisprudence, but was also invited to aid the judge in the enquiry. Was it not a tragedy that you should have been attracted by the virtues of such a person and invited his advice and assistance, and dropped down the three colleagues whom you yourself had selected for such a purpose? The whole enquiry was vitiated as it was admittedly held under the inspiration and guidance of Dr.Sampathkumaran. You were disqualified according to your own admission to act as an impartial judge, or to hold the enquiry in an impartial manner. The proceedings of such an enquiry, being void ab initio, cannot be said to be legal or binding on the University Council.

(2) In any view of the case your three colleagues formed part of the machinery provided by the University Council at your own request, and it was that machinery which consisted of four persons including yourself as chairman, and that alone that was legally competent to enquire. It constituted a body with definite functions assigned to it, though you do not wish to call it a "Committee", which however cannot alter its powers or constitution. It was indivisible and indestructible. It has to act in combination as a whole or not at all, and not part of it was competent to act in the absence of the other. The first requisite was to bring that body into existence. It was that machinery alone that was competent to start the enquiry and begin to operate, and every step should have been taken through it. The lines of enquiry and all questions of procedure should have been ~~taken through it. The lines of enquiry and all questions of procedure should have been decided~~ only by that body. But you never constituted the machinery as you ought to have done in the very first instance. You rejected the machinery at the very inception. You adopted a contrary procedure in direct violation of the Council decision. This was manifestly unconstitutional and the proceedings were illegal and void.

(3) There is also no substance in the alleged plea of urgency. If urgency had really any meaning, you ought to have immediately constituted a fresh Board of Examiners without any loss of time and asked the candidate to sit for a fresh examination as per resolution passed on 28th April 1941. If you had taken prompt action the re-examinations would have been over by 31st May 1941. The

The discussions revealed that the candidate was known to be a very average student and had no chance of taking a first class in a re-examination. Certain members remarked that in the case of such an event it may implicate the father, and he may come to trouble. They continued to object to the re-examination on that ground even after the resolution had been passed, and it looked as if the interests of an individual were more important than the prestige of the whole University. At any rate, the resolution which was passed after a lengthy and heated discussion for 70 minutes, as you yourself remarked, on a sensational subject affecting the prestige of the University has become a dead letter, and it has naturally shaken public confidence. It is worthy of note that you entirely forgot to record the resolution itself in the proceedings, although it had been passed after so much exciting discussion. It was found omitted in the copies of the proceedings sent to the members, and a supplement containing it was quietly put into their hands on the date of the next meeting without any explanation for the omission.

(4) Now, what about the resolution passed on 31st May 1941, regarding the alleged mal-practice of candidate No.163? It was a simple case of alleged mal-practice in the practical examination. The number of persons to be examined did not exceed 8 or 10 at the most, and all of them could have been examined in three or 4 days. Every member of the Council realised that the matter was urgent and required immediate attention. There was a sensation and the prestige of the University had been greatly affected. The whole scandal had been ~~xxxkx~~ ~~x~~ openly published in a certain newspaper which questioned the propriety of the professor in having valued a number of answer papers and given first class marks to his own son. It commented on the moral degradation of the Professor and held him up to ridicule. The newspaper also referred to a rumour that the authorities concerned were attempting to white-wash the whole affair and remarked that it would be highly unjust to do so and that it would harm the reputation of the University. It also suggested to the University authorities to take necessary action without loss of time to save the prestige of the University. The next meeting of the University Council was held on 28th June 1941. But as the agenda had omitted to include this urgent matter in spite of the newspaper sensation, I asked you about the enquiry at the meeting, and you were pleased to remark as follows :- "Have I no other work to do? That is not the only work to engage my attention."

It will thus be seen that this sensational matter which was agitated in the Press and which had greatly lowered the prestige of the University, did not occupy a high place in your order of urgency on 28th June 1941, though everybody else considered it to be otherwise. On 19th July 1941, your proposals and discussions at the meeting showed that you were still considering as to who should hold the enquiry, and how that enquiry had to be conducted. Instead of calling upon the candidate to immediately produce the ~~xxxx~~ note books before you, you some how started an endless correspondence with his father who failed to produce them until 16th July 1941, in spite of your warnings and urgent reminders. You did not demand an explanation from him for his unpardonable long delay in the production of the note books. On the other hand, he himself found fault with you and contradicted the statement of your ~~gk~~ ~~x~~ good-self in an undignified manner, and while the Registrar was reading Dr.Sampathkumaran's letter of 16th July 1941, before the Council on 19th July 1941, you yourself declared

that he had made false and dishonest statements in that letter and asked the house not to accept them. Moreover, Mr.McAlpine had repeatedly suggested to you the desirability of securing the books with the least possible delay, so as not to allow time for fresh books to be written up. But since you allowed a long period of six weeks for their production, it is now found from the evidence that new books have been actually manufactured in the interval and produced at the enquiry, fully justifying the apprehensions entertained by Mr.McAlpine. It is therefore clear that in addition to the first fraud at the examination a second fraud has been committed at the enquiry. In my opinion this sensational matter ought to have received your first and foremost attention in preference to all other subjects, and you cannot disown responsibility for the long delay in the disposal of this simple matter. In this view of the case you were not at all justified in having hurried up the enquiry on 24-7-1941, without placing the matter before the University Council for their decision and orders. What was admittedly not urgent on 28th June 1941, cannot be said to have suddenly developed a compelling urgency on 24th July 1941. A matter which had ceased to be urgent on 28th June 1941, according to your own significant remark on that date, and which had waited for 54 days, could certainly have waited for a few days more for the decision of the University Council, without anything untoward happening. It was a vital matter affecting the powers and prestige of the Council, which it was your primary duty to uphold under all circumstances as its chief executive officer. According to your own admissions, the question was not free from doubt and difficulty, and no amount of urgency, fancies or real, can justify a wilful breaking of the law and the constitution.

IX. It is relevant to invite attention to the strong objections raised by Mr.McAlpine in this connection. He says :-

"The only procedure which could ever had any chance of revealing the truth is this matter would have been to obtain the relegant note books immediately. . . .The long delay however in the production of the note books of Dr.Sampathkumaran's son, gave way the whole line of enquiry, and the subsequent ,obtaining of a statement from Mr.Seshagiriah through Dr.Sampathkumaran lessened any chance of the real truth ever being obtained. If Dr.Sampathkumaran had been guilty of any misdemeanour in this matter, he has now had ample warning and plenty of time to arrange a defence. The drawing and other note books are undated either by the student who made them, or by the member of the staff who valued them, and they could easily have been written up for the occasion during the weeks that elapsed before they were finally produced."

It will thus be seen that in the opinion of Mr.McAlpine the immediate production of the note books was imperative in the interests of truth and justice. The object of the enquiry being to make an impartial search for truth, the long delay which was avoidable in securing the note books frustrated the very purpose of the enquiry, and it was unfortunate that you did not adopt "the only procedure which had any chance of revealing the truth in the matter," as rightly pointed out by Mr.McAlpine. After considering the question of asking Dr.Sampathkumaran to be on leave during the enquiry, it was agreed at the informal meeting convened by you in the first week of June, that witnesses at the enquiry should be asked to speak the truth and that you should give them an assurance that they will not be allowed to be harmed by Dr.Sampathkumaran for giving evidence against him or his son. While the most vital

condition of an enquiry demanded that witnesses should depose in an atmosphere altogether free from official influence, you destroyed this essential condition and you yourself placed Mr.Seshagiriah in the midst of official influence and required him to submit his statement through his official superior, viz., Dr.Sampathkumaran. Dr.Sampathkumaran himself has admitted that he told Mr.Seshagiriah that it was not fair to have given zero to his son and pressed Mr.Seshagiriah to give some marks to his son. It is therefore clear that the risk of official pressure to which you subjected Mr.Seshagiriah was real and prejudicial to the case. Mr.Seshagiriah, the Assistant Professor, was the person who detected the fraud practised by the candidate (No.163) when he produced as his own, note books which he had borrowed from another student, and it was Mr.Seshagiriah who had given zero ("O") to the candidate at the examination. He was the most important witness, and the whole case depended upon his evidence. As an enquiring officer, your function was to examine witnesses and record their evidence and not to convert that evidence into an official and routine matter and obtain it through official superiors. Though you were sitting as a judge, you adopted a non-judicial procedure which defeated the very purpose of the enquiry and gave an opportunity to Dr.Sampathkumaran to try his chances of hiding the truth. It was really unfortunate that you should have placed Mr.Seshagiraiya in such a difficult and awkward position, and thus reduced the chance of the real truth being obtained, as pointed out by Mr.McAlpine. On 29th July 1941, Mr.Seshagiriah withdrew the statement which he had submitted through Dr.Sampathkumaran and this proves that he must have given it under the undue influence of Dr.Sampathkumaran.

X. With reference to the controversay about the drafting of the resolution passed on 19th July 1941, and your action in putting the question to vote on 9th August 1941, without allowing me to speak, I beg to state as follows:-

(1) The copy of the proceedings of the meeting held on 9th August 1941, which was received on 23rd August 1941, does not contain a proper narration of what happened at the meeting on this subject, and many important matters have been omitted. My objections against the procedure adopted by you have been communicated to you in my letter dated 13th August 1941. I had impeached the correctness of the resolution as recorded by you, and your version was in question. The trial and decision of such a charge demanded strict impartiality in the matter of procedure, appreciation of evidence, arguments and adjudication. As I was the impeacher, I had the right under the law to begin and state my case and substantiate my charge by placing all the available evidence in support thereof and by advancing all the arguments open to me on the basis of that evidence. You had to begin your case next, and adduce evidence and arguments in support of your version. Then I had the right to reply and show reasons why your version should be rejected and my own view accepted, before a verdict could be pronounced one way or the other. But who was to be the judge to hear, try and decide this charge? Your good-self was on trial, and you were certainly not competent to sit as a judge in a case brought against yourself. Under the scheme contemplated by Act III of 1933, the Executive Government of the University rests completely in the University Council(S.14).) The Vice-Chancellor is the principal Executive Officer of that Council, and it is his primary duty to give effect to the decisions of the Council and to ensure that the provisions of the Act and the statutes are properly observed and carried out (S.10), and the act does not confer on the Vice-Chancellor any powers independently of the Council

which constitutes the final authority. Though the Vice-Chancellor has to preside at the meetings of the Council, it is the Council that has to submit to Government copies of its proceedings and orders(St.15). It is therefore clear that when this subject was taken up on 9-8-41, you should have at once divested yourself of your position and authority as chairman. As I was the accuser and you were the accused, each had to prove his own case before the remaining members of the Council. They alone had to be constituted as judges, and you as accused had no right to take part in the decision or in the deliberations leading to the decision of the disputed question. They did not constitute themselves into a Tribunal as they should have done. That Tribunal did not ask me to prove the charge, and you did not submit yourself to be tried by them. Since such a Tribunal, which alone was competent to decide, was never constituted, my impeachment stands, and there has been no binding decision upon it by the proper Tribunal.

(2) The resolution as recorded by you in the copy of the proceedings to which I have taken objection appears in two parts, each being independent of the other. Their form, language and construction are such as to admit of being interpreted, if necessary, in support of your exclusion of your three colleagues from the enquiry. But your own earlier version of the same council decision, as stated in your own circular letter dated 26th July 1941, is inconsistent with the objected version. Unlike the objected version, it is not divided into parts, and it differs in form, language and implications, and it cannot be interpreted to justify your exclusion of your colleagues from the enquiry. Again, you have given a third version of the same Council decision on 7th August 1941, in your reply to my objection which differs from both the objected version, and the earlier version contained in your letter dated 26th July 1941, in language and construction. I had a right on 9-8-41 to call upon you to state which of these three different versions was true, and why there is so great a variation in the terms of your three versions of the same resolution on such an important subject which, according to your own admission in your letter dated 4th July 1941, has created a great sensation in the minds of the public and shaken their confidence in the impartiality of the University Authorities. Is it to be understood that you had three different recollections of the same subject? If the objected version which you sent to me on 2-8-1941 had been really recorded by you before the date of your circular letter dated 26th July 1941, I had a legitimate right to call upon you to explain why you had sent an altogether different and inconsistent version in the said circular letter. I am entitled to draw an inference that you could not have recorded the objected version before 26th July 1941, and that it must have been recorded only after that date and before 2-8-1941. The actual date on which you recorded it was known only to you and none else, and you were not pleased to state what that date was. The presumption is that you would have readily stated it if it had been in your favour. At any rate, the later objected version had no existence and was entirely out of the picture on 26-7-41. Were it otherwise, there was certainly no good reason why you should have yourself sent to the members a totally different and inconsistent version on 26th July 1941. I had a right to place these undisputed and unanswerable facts, in support of my objection, before the Council on 9th August 1941. But you prevented me from speaking, and thus unjustly deprived me of every opportunity of proving my charge and disproving of your version.

(3) While preventing me from saying anything to substantiave my charge, a procedure unknown to law and entirely opposed to all recognized methods of conducting business at meetings, you yourself read out a written explanatory note in support of your own version without conceding a similar privilege to me. You thus enjoyed an unfair advantage and used your written note to influence the opinions of the members in your favour, and you did not allow me to refute your written arguments against me. Having declared that votes would be taken after merely reading my letter, and your reply, you read out the written explanatory note in your own favour in direct violation of your own declaration. Can this be said to be impartial? And when I applied for a copy of this explanatory note, you have refused to give it on the ground that "it was not a statement to go on record, and so no copy can be sent" (vide Registrar's letter dated 23rd August 1941.) If it was "not a statement to go on record", you had no right to read it and influence the minds of the members. Having read it out before the Council it became an official document and as such the property of the Council, and you have no right to remove it from the record and treat it as your private property. Can this be said to be just, fair, or impartial? Under the rules of business, members are entitled to have copies of any documents they may desire, and you have no right to take away such a power vested in the members under the law. Nor have you taken the permission of the Council to withdraw the note from the official record and to treat it as your private property.

(4) You have similarly refused to send me copies of the two letters referred to by Mr.McAlpine in his statement on 9th August 1941. Mr.McAlpine emphatically stated that it was a committee of enquiry that the University Council had appointed on 19th July 1941, and fully supported my case. He added that he was everyday expecting from you notice of the meeting of the Committee from 19th July 1941 to 28th July 1941, and that when we got your letter dated 26th July 1941, he wrote to you objecting to the procedure adopted by you and he actually referred to his letter dated 31st July 1941, in support of his statements. If you thought that he was really not entitled to refer to that letter or to rely upon it by reason of his having subsequently cancelled it by his second letter, you ought to have given a ruling to this effect and prevented Mr.McAlpine from making any reference to his letter at the meeting. Not having given such a ruling on 9th August 1941, against Mr.McAlpine, it is not open to you to give an adverse ruling now against me. ~~Mr.McAlpine, it is not open to you to give an adverse ruling now against~~ Mr.McAlpine had expressly requested you to place his letter before the University Council and hance the Council was entitled to know its contents as well as the reasons which led him to cancel it by his second letter. His desire not to press his objections on certain grounds is no reason to prevent the council from taking cognizence of the fact that Mr.McAlpine had written such a letter to them and of the reasons for which he subsequently cancelled it. You yourself ought to have reported to the Council, before asking the members to state their recollections, how Mr.McAlpine had written to you on 31st July 1941 stating that it was a committee of enquiry that had been appointed on 19th July 1941 and objecting to the contrary procedure adopted by you, how he had requested you to place his letter before the Council and accept his regignation from the committee, and how he had subsequently written to you to treat it as cancelled for different reasons. You failed to bring

these important facts to the notice of the Council, for the obvious reason that everything that Mr.McAlpine had stated was against you and fully supported me case. Can this be said to be fair or impartial? It has to be pointed out that I had asked for copies of both the letters. You have stated that his first letter was cancalled and that copy could not be given, but you have assigned no reasons for not sending the copy of his second letter. I hope that these letters have not lost their evidentiary value under the law in spite of what you say. I have strong reasons to hold that you have refused to give copies of these letters because they prove:-

(1) That when Mr.McAlpine suggested at the meeting that you may hold the enquiry, you yourself opposed it and asked for a committee of enquiry which was accordingly appointed;

(2) That you had more than once expressed that you did not know the best way of making enquiries; and that it was on account of this feeling that you had asked for a committee rather than make the enquiry yourself.

(3) That it was not proper on your part to have invited Dr.Sampathkumaran, "to discuss the preliminaries of the enquiry, instead of holding a meeting of the Committee to lay down the lines of procedure to be followed in the enquiry;

(4) That you "did not obtain the relevant note books immediately which was the only procedure which had any chance of revealing the truth;

(5) "that the long delay in the preduction of the note books gave away the whole line of enquiry", and that "the drawing and other note books, being un-dated, could easily have been written up for the occasion during the long interval that elapsed before they are finally produced."

(6) That your procedure in "obtaining a statement from Mr.Seshagiriah through Dr.Sampathkumaran lessened any chance of the real truth ever being obtained,"

(7) That Dr.Sampathkumaran was given ample warning and plenty of time to arrange for a defenc-

(8) That Dr. Sampathkumaran's objection to his being examined by a Commit of the University Council was clearly inadmissible by virtue of the legal power vested in the Council under S. 14 (8) of the Act, and Statute 17 (26):

(9) That "The Committee were not enquiring in the first instance into any action of Dr. Sampathkumaran, but into the alleged misconduct, in the matter of the class records of his son, who was a student" and not a public servant; and that "Dr. Sampathkumaran had no claim to have any of these questions even mentioned to him at this stage":

(10) "That the Botany Department is run without any proper control and with no systematic method of organization of work";

(11) That "Dr. Sampathkumaran admits that he has kept no records of marks given under the different heads in the Botany Department";

(12) That "the questionnaire attached to your letter dated 26th July 1941 reveals incompetence on the part of Dr. Sampathkumaran of such a kind as to - unfit him to continue as the head of the Botany Department".

(5) Mr. McAlpine was the person who made the allegation on 31st May 1941 - about the rumoured misconduct of candidate No.163, and it was on his complaint that the University Council passed the Resolution on the said date authorising the enquiry. He was naturally interested to see that proper procedure and methods of enquiry were adopted to find out the truth, apart from the fact of his being also a member of the Committee of enquiry. When you ignored the Committee and invited Dr. Sampathkumaran to guide and assist you in the enquiry, and actually started the enquiry under his inspiration, Mr. McAlpine believed for the reasons stated by him in his letter of 31st July 1941 that the chances of obtaining the truth were lost. He therefore protested against your procedure and actions and sent his resignation from the Committee and wanted his letter to be placed before the Council. It cannot by any means be said that the - Council were not entitled to know all the facts and reasons which led to his resignation. It is true that he wrote to you on 2nd August 1941 asking you "to treat his letter of 31st July 1941 as cancelled". The reason assigned by him is important. It is as follows:-

"Since, however, the evidence is now available, I am not concerned in raising at the next council meeting technical details about procedure, and I would ask you therefore kindly to treat my letter as cancelled."

It cannot be construed as taking away from the other members their rights arising on the undisputed facts revealed in the letter. He only says that he is not concerned to press technical details about procedure, and this cannot be held to preclude others from pressing them. Again, you cannot refusd to produce it before a Court of Law if so required, so long as it is in your custody. If you say that it is destroyed, which you have not now stated, secondary evidance at once becomes admissible under the law.

XI. (1) You not only read out your written explanatory note in your own favour as already stated above, you also read your letter dated 23rd July 1941 to Dr. Sampathkumaran in support of your view, although I objected to it as not being relevant. The question at issue was as to what happened at the meeting on 19-7-1941, and not what you wrote to Dr. Sampathkumaran four days after. You have neither proved, nor even alleged, that you had recorded the objected version before you wrote your letter dated 23rd July 1941. Such a theory is inadmissible, and I have already stated my reasons to hold that you must have recorded it on some date subsequent to 26th July 1941. If so, it is perfectly clear that your action in holding the enquiry yourself cannot logically be deemed to be the consequence of a non-existing version of the Resolution, but that on the other hand you must have drafted the Resolution itself in support of the action already taken.

(2) You ruled out my objection, without assigning any reason, against the reading of your letter dated 23rd July 1941, although you were not competent to do so. I had a right to state for what reasons I considered that letter to be not relevant, but you did not allow me to do so. That letter does not contain your decision as represented by you before the Council. But if it is taken to be - otherwise, it means that you yourself had made up your mind to exclude your three colleagues, even before Dr. Sampathkumaran ever raised his objection, since he - raised it only on the next day for the first time in his letter dated 23/24th July 1941. So your good self shall have to be held entirely responsible for such exclusion. But you do not acknowledge such responsibility, and your whole case is that you held the enquiry alone on account of Dr. Sampathkumaran's objection to the presence of your colleagues. As a matter of fact you had not at all arrived at any decision on 23rd July 1941, and your conduct before and after that date negatives such a theory. Dr. Sampathkumaran's letter dated 23/24th July 1941 shows that you yourself had on the morning of 23rd July 1941, before you had written your letter to him on that date, informed him of the three colleagues who had to sit - with you at the enquiry. You subsequently wrote your letter dated 23rd July - 1941 which he received at 1:10 P.M. You have not stated in that letter that you had decided to exclude your three colleagues and hold the enquiry yourself, and you cannot import into the letter what it does not expressly state. Moreover, the fact that on the next day you had a "discussion" with Dr. Sampathkumaran, as admitted by you in your letter dated 26th July 1941, conclusively proves that both of you never understood your letter dated 23rd July 1941, in that sense. But you pressed the University Council on 9th August 1941, to understand it in a - sense in which neither you nor Dr. Sampathkumaran had understood it. Can this be said to be fair or impartial?

(3) Your own letter dated 26th July 1941 fully demolishes your theory. It was this letter which was really relevant, and I had a right to invite the attention of the Council to your clear admissions contained therein and to their obvious implications. You say in that letter as follows:-

"In view of the stand he (Dr. Sampathkumaran) took, I discussed on the 24th instant when he met me the issue whether he was entitled to demand that, when he was examined, the Members of the University Council should not either be present or ask any questions."

If your letter dated 23rd July 1941 really represented your decision to hold the enquiry yourself excluding the three colleagues, where was the need to have discussed the same matter on 24th July 1941, as stated above? Did you give any explanation in this respect to the Council as you ought to have done? Was it not your duty to have placed this letter also before the council, and reconciled the manifest inconsistency between your interpretation of your letter dated 23rd July 1941 and your subsequent conduct on the very next date? Again, if you really understood the Council decision on 19th July 1941 as authorising you to hold the enquiry yourself excluding your three colleagues, nothing could have been - easier than to have stated so in plain language to Dr. Sampathkumaran on the morning of 23rd July 1941, and proceeded with the enquiry straight away. What prevented you from informing me and Mr. McAlpine of it, in reply to our letters of objection dated 28th July 1941 and 31st July 1941, respectively?

(4) Again, if that was really your decision on 23rd July 1941, as you wanted the Council to believe, and if you felt no doubt or difficulty in the matter, why did you not say so in your letter to the Minister on 29th July 1941 on this subject? Why did you request the Government for a ruling whether you may invite the assistance of the three colleagues?

(5) The result of your discussion with Dr. Sampathkumaran on 24th July 1941, as embodied in the first two paragraphs of the first day's proceedings, throws further light on this question. In regard to his objection to the presence of your colleagues at the enquiry, you admit that "the Vice Chancellor did not agree with Dr. Sampathkumaran". How do you reconcile this unmistakable -

admission with the theory of your decision under the terms of your letter dated 23rd July 1941? Again, if you "did not agree with Dr. Sampathkumaran", whose opinion had to prevail? As chief Executive Officer what steps did you take to call upon him to honour your opinion and submit to the authority of the Council? Why did you not at once invite your colleagues to sit with you in the enquiry in assertion of your opinion? Having differed from Dr. Sampathkumaran, on what principle did you surrender your judgment and sacrifice the authority and dignity of the Council? Having failed to uphold the authority of the Council, you ceased to function as its chief Executive Officer. Having failed to give effect to the terms of the decision of the Council, arrived at after a lengthy discussion for more than fifty minutes on 19th July 1941, you have no right to claim recognition by that Council of the proceedings held in defiance of its authority.

XII (1) It is therefore clear, from more than one view of the case, that you - placed a wrong letter (dated 23rd July 1941) before the Council on 9th August - 1941 and made a misrepresentation, that the decision of the Council therefore became tainted, and that it cannot be said to be binding in the eye of the law. Having introduced such a letter to support your case and withheld the most relevant material documents having a direct bearing on the question at issue, you have yourself provoked controversies. I have every right to examine all their aspects and implications, and if I lift the veil and show their true complexion you have no right to blame me. In his letter dated 23/24th July 1941, Dr. Sampathkumaran refers to the Telephone conversation between you and him on the morning of 23rd July 1941, and there is no record to show what all took place at that conversation. You were sitting as a judge at the enquiry. Your function was to make an impartial search for truth, and the investigation had to be made with care and accuracy. But it is unfortunate that oral discussions, conversations on the phone and confidential conversations between you and Dr. Sampathkumaran form a prominent feature in this enquiry, and that no record of such conversations is kept. The evidence reveals the astonishing fact that in such conversations (i) he frequently discussed with you on the merits of the case, and (ii) made complaints or representations against the members of the University Council. On those occasions, you "appreciated the reasonableness of his arguments", and revealed to him confidentially the exact lines of action which you proposed to take in the enquiry, and he was delighted to know if from you and greatly appreciated the virtues of your proposals. Dr. Sampathkumaran's letter dated 25th July - 1941, convincingly proves that your good self gave him "personal instructions", to "submit a representation stating his objections for the presence of the University Council members at the enquiry". The whole thing looks as if the members of Council themselves were on trial before you. Thus, it is as clear as crystal that you yourself directly encouraged Dr. Sampathkumaran to complain to you against the colleagues of your own choice and helped him to turn the scale against them. The very person whom you treated as accused was advised to become the accuser, and as the result of the secret combination between the judge and the accused the three members appointed by the Council at your own request were pulled down from their seats. This was a great tragedy, and it was unfortunate that you should have interested yourself on behalf of a person, whom you were expected to try, to such an extent and directly instigated him to impeach the integrity of your colleagues. Having so identified yourself with Dr.Sampathkumaran and become his adviser and Advocate, you were no longer competent to sit as an impartial judge in the enquiry, and the proceedings held by you in a double capacity are obviously tainted and deserve to be rejected by the University - Council.

(2) Dr. Sampathkumaran's letter dated 25th July 1941, which reveals the part taken by you in the above tragedy, is an illuminating document. In this letter he states how it would be against his interests to have any members of the council in the enquiry, and his real reason is expressed in the following significant language:-

"I strongly feel that this enquiry might be used to find, if possible, evidence to justify an adverse conclusion arrived at much earlier."

the object of the enquiry being to make an impartial investigation about

~~about~~

the truth of the allegation made by a responsible member of the Council (Mr.Mc Alpine)relating to the mal-practice of Dr. Sampathkumaran's son, it was quite legitimate "to find, if possible, evidence" relevant to the above object of the enquiry. When, how, and by whom "an adverse conclusion had been arrived at much earlier", are matters which ~~are~~ the Doctor has not explained, and he must be called upon to substantiate his allegation. If the Doctor thinks that the object of the enquiry was not to find evidence, even if available, in support of the truth of, the allegation but to simply whitewash the whole affair, as suspected by the public according to the newspaper article already referred to, it only reveals his perverseness and moral degradation.

(3) He refers to another Telephone conversation between you and him on 28th June 1941 at which he claims to have represented to you, "that no member of the University Council should be a member of the Enquiry Committee, since every member of the University has expressed strong opinions in the consideration of this case. I was indeed happy when you suggested that you would recommend to the - Government to appoint a judge of the High Court to go into this matter." The fact that the Doctor emphasised in this letter that "you appreciated the reasonableness of his request", is a further proof to show that the serious question of the integrity of the members of Council was discussed and settled behind their back at this secret agreement between both of you, that you agreed to comply with his request to eliminate the Council members as desired by him, and that you even went a step further and gave him an assurance, to his great delight, that you would recommend to Government for the appointment of a High Court Judge. What a contrast between this mental attitude of yours towards the Doctor and the significant remark made by you at the meeting of the Council on the same date (28th June 1941), when I asked you a harmless question about the enquiry! Your remark was "Have I no other work to do? That is not the only work to engage my attention". In the face of these astounding revelations, it is impossible to hold that the interests of truth have not been sacrificed, and that the above objectionable methods have not led to miscarriage of justice. It was in pursuance of the above secret agreement between you and the Doctor on 28th June 1941, that you adopted his theory of disqualification of the council members, further developed it and invested it with your authority as Vice Chancellor, and used it against them in your circular letter dated 4-7-41, in order to justify your promised proposal for the appointment of a High Court Judge, to hold an enquiry in the case of what was after all a mal-practice of a student. Your reflection against "most of the members of the Council" naturally provoked great resentment, and there was an exciting discussion at the meeting of the 19th July 1941. You know that I took strong exception to it and pointed out how your remarks were unfair and objectionable. I requested you to record my objection as well as my reasons therefore. You agreed to do so and gave instructions to the Registrar to record them. But you entirely forgot all about it and omitted to include them in the proceedings. When I drew your attention to the omission in my letter dated 4th August 1941, you ~~xxxxx~~ have stated in your letter dated 7th August 1941:-

"It is not clear whether during the meeting you objected to the Vice Chancellor's proposal or to anything else. If you will kindly send a note of what you desire to be included, necessary action will be taken." This shows that your recollections as to what happens at meetings very soon fade away even as regards controversial matters, and that proceedings are not drafted when recollections are still fresh. The law requires that important discussions, arguments and objections must be properly included in the proceedings of the meetings. In the present instance, you had agreed to record my objection and my reasons, and you - should not have omitted them in the proceedings. If you were not sure of your recollections you should have written to me before drafting the proceedings, and not after my pointing out the omission on the receipt of the copy. Moreover, it is your duty to properly record the proceedings of meetings, and you cannot transfer that duty to me. Again in the proceedings of the meeting of the same date, viz., 19th July 1941, your letter dated 4th July 1941 to members of the Council proposing to immediately write to Government to appoint a High Court Judge to hold the enquiry, which ought to have been included in the reading portion of the Resolution, was also found to have been omitted. I note that you have now pronounced in your letter dated 7.8.1941, to conclude it by means of Communication Slip.

(4) When Dr. Sampathkumaran was freely making references to the oral discussions and personal conversations between him and your good self in regard to the various points connected with the enquiry, you at once warned him not to make such references, in your letter dated 26th July 1941. Your warning is with special reference to the conversation of 28th June 1941, and you say in your letter that it is not correct to quote such conversations and oral instructions and that both of them have to be confirmed. It is objectionable to conduct a quasi-judicial enquiry by means of oral discussions and personal conversations, and it is for you to explain why a record was not kept of such conversations. If the most vital portion of the enquiry consists of such conversations and personal instructions, how is the truth to be brought to the surface if references could not be made to them? If important evidence of a conclusive character is contained in such conversations and personal instructions, on what principle and under what law can such evidence be concealed and driven to the bottom? If the findings and conclusions of the Vice Chancellor are influenced by such conversations and personal instructions, is it just or fair to hide them? While the law of Evidence, which provides legal methods to find out the truth in an enquiry, fully recognises the evidentiary value of such conversations and personal instructions, how is the Vice Chancellor competent to lay down a contrary maxim and reverse - that Law and the legal methods sanctioned by it? Again, you say in the same letter that "you have no recollection of the conversation". I take this as an admission that your recollections are apt to fade away at times, and that you cannot correctly recall to your mind what happens on a given occasion after a few days. As regards the interesting conversation between you and the Doctor on 28th June 1941, you say in your letter that "you are not prepared either to - accept or deny the details in the paragraph". What is the legitimate inference that emerges from this proposition? It is dangerous to admit them, but at the same time it is difficult to deny them. Is this not an extraordinary position for you to take?

XIII. (1) In regard to your own recollection of what happened at the meeting on 19th July 1941, I had a right to point out that it cannot be taken to be the deciding factor. Your unexplained omission to record in the proceedings the whole Resolution passed on 26th April 1941, after a lengthy discussion for seventy minutes on the subject of holding a re-examination for candidate No.163 is a strong instance in point. Again, you have yourself confessed in your reply on 26th July 1941 to Dr. Sampathkumaran your inability to retain recollections of oral conversations; and the Registrar has also stated in his reply dated 7th August 1941, that your recollections of my objection regarding your proposal for the appointment of a High Court Judge raised in the course of the discussion of the same subject on the same date, viz., 19th July 1941, have become hazy and that he is unable to make a correct record of the said objection and the reasons therefor, without the assistance of a note from me as to what happened at the discussion. It is therefore clear that your own recollection of what happened on the said date, viz., 19th July 1941, about the discussions leading to what was an appointment of a committee of enquiry, according to the distinct recollections of myself and Mr. McAlpine, must be taken to be an uncertain factor. The stubborn fact that you have given three different versions of the same Resolution, as I have already pointed out, in para X (2) above, is a convincing proof that your recollections have failed you in this respect and cannot be safely relied upon in the decision of this controversy.

(2) Let me state one more convincing instance in support of this conclusion. About your delay in sending the copy of the proceedings what I stated in my letter dated 4th August 1941 was as follows:-

"I note that the copy of the proceedings in this instance has been sent after the completion of the whole enquiry by the Vice Chancellor himself, which he was not competent to hold ignoring the committee appointed by the University Council."

I never suggested that you recorded the resolution itself after the completion of the whole enquiry, and my statement certainly does not admit of such an interpretation. But to my misfortune your recollection failed in the course of five days, and on 9th August 1941, you were pleased to make a false charge against me in the Council, and you stated that "I had alleged that you had drafted the Resolution of 19th July 1941 after the completion of the enquiry". I at once contradicted it and pointed out that you were unfair since you imputed to me a statement which I had never made, and asked you to read out my letter. But you did not do so. Nor did you withdraw your false charge and express regret for it. You allowed the false charges to remain, and unjustly created an atmosphere unfavourable to me and favourable to yourself. It naturally prejudiced the minds of the Council Members and vitiated their decision in your favour.

For the above reasons I request you to place my note before the next meeting of the University Council.

Yours sincerely,

SD. P. Mahadevayya,

To

Rajakaryapravina
N.S. Subba Rao, M.A.,(Cantab), Bar-at-Law.,
Vice Chancellor, University of Mysore,
Bangalore.

" C O P Y."

REGISTRAR:

VICE CHANCELLOR'S NOTES ON MR. MAHADEVAYYA'S LETTER

OF 11TH SEPTEMBER, 1941.

Mr. Mahadevayya seeks to establish two main propositions:-

(1) That at its meeting of the 19th July 1941 the University Council resolved that a Committee consisting of the Vice-Chancellor, and Messrs: McAlpine, Mahadevayya and Mirle N. Lakshminaranappa should enquire further into the matter of the Botany Hons: Examination of 1941, and

(2) As the Vice-Chancellor conducted the enquiry himself without the colleagues appointed to the Committee by the University Council the report based on this enquiry is in no way binding on the Committee.

The first proposition is supported by two other propositions:-

(i) That the record of the resolution of the University Council on this point as given in the copy of the proceedings of the meeting of the University Council on the 19th July - is incorrect, and

(ii) The confirmation of the above record by the University Council on 9-8-1941 is not acceptable for reasons given by him.

The second proposition is supplemented by the suggestion that apart from the basic invalidity of the enquiry, it is vitiated by wrong procedure, and its character compromised by some "secret agreement" between the Vice-Chancellor and Dr. Sampathkumaran.

Whether the University Council appointed a Committee or not follows from the incorrectness or correctness of the record of the proceedings of the meeting held on 19th July 1941. The correctness was contested by Mr. P. Mahadevayya in his letter of 4-8-1941 which was placed before the University Council at the subsequent meeting held on the 9th August 1941, and the correctness of the resolution as recorded was affirmed by the University Council. Since Mr. Mahadevayya gives an inaccurate account of what happened on the 9th, I may state that I opened the subject by telling the Council that Mr. Mahadevayya questioned the accuracy of the resolution and got the resolution as well as his letter of 4th August 1941 (bearing on this point) read. I asked one by one the members who were present on the 19th, in order of their appointment to the University Council to give their recollection ~~was that~~ of what the decision on the 19th July was. Mr. McAlpine said his recollection was that a Committee had been appointed with the Vice-Chancellor as Chairman, and the three others as members, but the other seven stated that the resolution as recorded was correct. I did not request Mr. Mahadevayya to give his recollection as his objection was already on record, nor did I give mine. After every one had spoken, I made a statement, reading from what I had written just before the meeting, (which I refrained making earlier so as not to prejudice the discussion against the objector) to show that my own recollection of the matter recorded before the others had spoken tallied with the recollection of the majority.

My letter to Dr. Sampathkumaran dated 23rd July to which there was a reference in my statement was read after I finished my statement, in spite of Mr. Mahadevayya's objection, because one of the members pressed for that being done as that was the earliest reference to the resolution. I may

add that the reading of that letter or the statement I made had no - effect on the opinion on the record, which had been expressed already by all these concerned and present at the meeting.

The propriety of the procedure followed in the enquiry is a point for decision on the 23rd September 1941. All I need say now is that the members of the University Council were being informed of the progress of the enquiry at all stages and no objection was raised by them, except by two, Messrs: Mahadevayya and McAlpine, and the latter, whatever his objections were earlier, did not at any rate press them - since he was satisfied that the essential facts had been elicited.

The motives attributed to me in my conduct of the enquiry and the terms employed by the member in that context and elsewhere are matters for consideration by the University Council, just as are the motives attributed to, and the terms employed against, those members of the University Council who did not always agree with Mr. Mahadevayya, or opposed him in some respects during the course of the discussions at different meetings of the University Council on this subject.

The annexe deals with the specific allegations in respect of facts or actions. No Note is taken of the language in which the allegations - are made in view of what has been said above.

The extracts from Mr. Mahadevayya's letter are taken from the sections (indicated by Roman figures) and the sub-sections (indicated by Arabic figures). In his letter, the sections are numbered I to VI and then VIII to XIII. No. VII is missing.

Dated the 19th September 1941. VICE CHANCELLOR.

ANNEXURE.

A.

Whether a Committee was appointed by the University Council on the 19th July to enquire into the conduct of the Botany Honours Examination of 1941 and whether the record of the decision as made by the Vice-Chancellor is correct.

I. "You did not intimate to me or to the other two members, before you started the enquiry, that in your opinion the Council had authorised you to hold the enquiry yourself, and that you had decided to start the enquiry yourself without the three members. You rushed through the enquiry for three days and then informed them for the first time that you had done so, forwarding copies of the proceedings of the first two days."

The enquiry was to be conducted by me, but I certainly did intend to request the members of the University Council, whose assistance I had requested with the approval of the Council, to join me, at any rate during the examination of Dr.M.A.Sampathkumaran, though it was not my intention to trouble them during the entire course of the enquiry. Since Dr.M.A.Sampathkumaran claimed to come under the Standing Orders relating to Enquiry into the conduct of Government Servants, the choice was between postponement of the enquiry, which I considered (and consider) should begin with his examination, and starting it. As much time had been lost already, I did not desire to lose any more time, as I wanted to have the report ready for the Council meeting of the 9th August.

II.(1) "It is a significant circumstance that you did not contradict Mr.McAlpine's letter dated 31-7-41 which you must have received in Bangalore on the same day."

The letter was received late in the evening of the 31st, and one does not, even if one had no other work, reply to communications of that character in a hurry. Before I could draft my reply, I received his second letter of 2-8-41(the same day) asking me to treat his first letter as cancelled. I decided in the

circumstances to take no notice of the letter.

II.(2) "All the other members including your good self expressed their re-collection only after the controversy had arisen between you and me. Hence, according to recognised canons of appreciation my re-collection and those of Mr.McAlpine are entitled to greater weight."

I am not aware of any such canons, and in any case this is a matter for the University Council to decide.

X.(1). "The copy of the proceedings of the meeting held on the 9th August 1941 which was received on 23-8-41 does not contain a proper narration of what happened at the meeting on this subject and many important matters have been omitted.

"As I was the impeacher, I had the right under the law to begin and state my case and substantiate my charge by placing all the available evidence in support thereof and by advancing all the arguments open to me on the basis of that evidence.

"Your good self was on trial and you were certainly not competent to sit as a judge in a case divested yourself of your position and authority as chairman. As I was the accuser and you were the accused, each had to prove his own case before the remaining members of the Council. They alone had to be constituted as judges, and you as accused had no right to take part in the decision or in the deliberations leading to the decision of the disputed against."

It is not the usual practice for the Chairman to vacate the Chair when the correctness of minutes are called in question. It is hardly correct to speak of 'accused' and 'accuser', and 'tribunals' in this connection. I took no part in the decision, as the number of only the members who gave their recollection was taken into account, nor did I participate in the deliberations <u>leading to the decision</u>, as I made my statement, <u>after</u> the members of the University Council present at the meeting of the 19th July, had spoken and expressed their views as to the correctness or the reverse of the record.

X.(2) "The resolution as recorded by you . . . . . .appears in two parts, each being independent of the other. . . . . .But your own earlier version of the same Council decision as stated in your own circular letter dated 26-7-41 is inconsistent with the objected version . . . . . Again you have given a third version of the same Council decision on 7-8-41, in your reply to my objection which differs

from both the objected version, and the earlier version contained in your letter dated 26-7-41, in language and construction. . . . . there is so great a variation in the terms of the three versions of the same resolution on such an important subject."

The three references are:-

(i) Circular letter of 26-7-41:

"At the meeting of the Council held on the 19th instant, it was agreed that I should enquire into the conduct of the Botany Honours Examination of 1941 and obtain the assistance in the enquiry of Messrs.Lakshminaranappa, Mahadevayya and McAlpine."

(ii) The decision of the University Council as recorded in the Proceedings of 19-7-41:

"it was resolved that the Vice-Chancellor himself should hold the enquiry. The Vice-Chancellor desired the assistance in the enquiry of Messrs.Lakshminaranappa, Mahadevayya and McAlpine, and these members agreed to assist him."

(iii) Registrar's letter of 7-8-41 to Mr.Mahadevayya:

"It was ~~xxxxx~~ decided that he should conduct the enquiry. He agreed to do so, availing himself of the assistance of some of the members of the University Council, viz., yourself and Messrs.McAlpine and Lakshminaranappa. There was no suggestion that these should form a committee."

It is for the University Council to say whether these versions differ in substance, though the words are obviously different.

X.(3) "When I applied for a copy of this explanatory note you refused to give it on the ground that it was not a statement to go on record and so no copy can be sent. If it was not a statement to go on record you had no right to read it and influence the minds of the members."

X.(4). "You have similarly refused to send me copies of the two letters referred to by Mr.McAlpine in his statement on 9-8-41. . . . . .Mr.McAlpine had expressly requested you to place his letter before the University Council and hence the Council was entitled to know its contents as well as its reasons which led him to cancel it by his second letter. His desire not to press his objections on certain grounds is no reason to prevent

the Council from taking cognizance of the fact that Mr.McAlpine had written such a letter to them and his reason on which he subsequently cancelled it. You yourself ought to have reported to the Council before asking the members to state their recollections . . . . and how he had subsequently written to you ~~for~~ as treat~~ing~~ it as cancelled for different reasons."

(3) It was not a statement to be entered in the proceedings of the University Council. Neither discussions nor the remarks of members are recorded in the proceedings of the University Council, and what I did was to say what I had to say from a written version, as I wanted to be accurate and brief. If a member made a written speech, that would not go on record, according to the prevailing practice.

(4) A 'cancelled' letter cannot be treated as part of the records, and I do not think any member is entitled for copies of such communications. Nor was it necessary for me to refer to the letter and its withdrawal. I gave Mr.McAlpine every opportunity of making his position clear, and whatever he did not refer to himself, did not need to be brought up by me.

It was by oversight that a copy of the second letter was not sent. Copies have now been sent to all the members in view of the conclusions the member has sought to draw from the letter.

X.(3). "You . . . . used your written note to influence the members in your favour, and you did not allow me to refute your written argument against me. Having declared that votes should be taken after merely reading my letter and your reply, you read out the written explanatory note in your own favour."

This is not correct. As already pointed out in the main body of my rejoinder, my statement was made <u>after</u> the members of the University Council had stated what their recollection of the matter was, and whether the record of the decision was correct. I made my statement to show that my recollection tallied with theirs.

X.(4). "I have strong reasons to hold that you have refused to give copies of these letters because they prove . . . . . (here follow 12 reasons.)

It ~~is~~ was not, and is not, difficult for me to meet any of Mr.McAlpine's statements about me or about the procedure. As the letter was cancelled, I did not, and do not, consider that any useful purpose would be served by a controversy over its contents. The points about Dr.Sampathkumaran's administration of the Botany Department that Mr.McAlpine makes, have been covered by my report though the language is different.

XI.(2). "Your letter dated 23-7-41 . . . .does not contain your decision as represented by you before the Council. But if it is taken to be otherwise, it means that you yourself had made up your mind to exclude your three colleagues even before Dr.Sampathkumaran ever raised his objection, since, he raised it only on the next day for the first time in his letter dated 23/24-7-41.

%You have not stated in that letter that you had decided to exclude your three colleagues and hold the enquiry yourself, and you cannot import into the letter what it does not expressly state. Moreover the fact that on the next day a 'discussion' with Dr.Sampathkumaran, as admitted by you in your letter dated 26-7-41 conclusively proves that both of you never understood your letter of 26-7-41 in that sense. But you pressed the University Council on 9-8-41 to understand it in a sense in which neither you nor Dr.Sampathkumaran had understood it . . . . . "

XI.(3) "If your letter dated 23-7-41 really represented your decision to hold the enquiry yourself excluding the three colleagues, where was the need to discuss the same matter on 23-7-41 as stated above?"

XI.(4) %If that was really your decision on 23-7-41 as you wanted the Council to believe, and if you felt no doubt or difficulty in the matter, why did you not say so in your letter to the Minister on 29-7-41 on this subject? Why did you request Government for a ruling whether you might ~~intie~~ invite the assistance of the three colleagues?

I had taken no decision to exclude the three members of the University Council, whose assistance I had sought with the approval of the University Council. The first sentence in the above letter merely showed that when I wrote that letter, I was under the belief

that I was to conduct the Enquiry, and not a Committee. Neither then nor at any other time was it my intention or desire to exclude the three members of the Council from association with the Enquiry. I did not suggest to the University Council on the 9th August that, that was my intention when I wrote that letter, which was referred to solely to show that if a Committee had been appointed, I would not have written as I did, only four days after the meeting of the University Council.

XI(1). "You have neither proved, nor even alleged, that you recorded the objected version before you wrote your letter dated 23-7-41. Such a theory is inadmissible . . . .you must have recorded it on some date subsequent to 26-7-41. If so, it is perfectly clear that your action in holding the enquiry yourself cannot be logically deemed to be the consequence of a non-existing version of the resolution, but that on the other hand you must have drafted the resolution itself in support of the action already taken."

The resolution was drafted on the 27th evening or 28th morning and it was no where suggested that it was drafted before the letter of the 23rd. The letter of the 23rd was mentioned in my statement to indicate what my belief at the time was, four days after the University Council had met.

The suggestion that I drafted the resolution itself in support of the action already taken can only be met by saying that both the action and the drafting were both based on my belief that no Committee had been appointed. No adverse inference can be drawn from the chronology.

XII.(1). "You placed a wrong letter(dated 23-7-41) before the Council on 9-8-41 and made a misrepresentation, that the decision of the Council, therefore, became tainted, and it cannot be said to be binding in the eye of the law."

I have dealt with the "wrong letter" theory elsewhere and there was neither misrepresentation nor representation of any kind

before the decision of the Council was taken.

It is for the University Council to consider the view that its decision became tainted by something that did not happen.

VIII(3). "It is worthy of note that you entirely forgot to record the resolution itself in the proceedings, although it had been passed after so much exciting discussion. It is found omitted in the copies of proceedings sent to the members, and a supplement containing it was quietly put into their hands on the date of the next meeting without any explanation for the omission."

XIII(1). "Your unexplained omission to record in the proceedings the whole resolution passed on the 26th April 1941, after a lengthy discussion for seventy minutes on the subject of holding a re-examination for candidate No.163, is a strong instance in point."

It was an instruction to the office that this resolution should not be circulated along with the others, but separately as a 'confidential' matter. Unfortunately by oversight this was not done, and the omission was supplied as mentioned by the member. It was explained at the meeting how the omission came about.

XIII.(1) "It is therefore clear that your own recollectionof what happened on the said date viz., 19-7-41, about the discussions leading to what was an appointment of a committee of enquiry, according to the distinct recollections of myself and Mr.McAlpine must be taken to be an uncertain factor. The stubborn fact that you have given three different versions of the same resolution is a convincing proof that your recollections have failed you in this respect and cannot be safely relied upon in the decision of this controversy."

Whether I have given three different versions is a matter for the University Council to decide, and the three references to the matter have been given above(Page:3). Similarly whether my recollections have failed is also a matter for their adjudgment, and in any case the recollection of seven members of the University Council will be decisive, and their view has been stated on the 9th August 1941.

XIII.(2). "I never suggested that you recorded the resolution itself after the completion of the whole enquiry and my statement certainly does not admit of such an interpretation . . . . You allowed the false charge to remain and unjustly created an atmosphere unfavourable to me and favourable to yourself. It naturally prejudiced the minds of the Council members and vitiated their decision in your favour."

If the suggestion was not made explicitly, it was obviously at the back of the member's mind, and the obsession has now come out in all its detail, as the member definitely suggests that I drafted the resolution to fit in with my own course of action, viz., to exclude the three members of the University Council from the enquiry. My statement did not prejudice the minds of the Council members, because the decision as to the accuracy of the record had been given before my statement was made, and I followed up the statement(in which the letter of 23-8-41 was mentioned) by reading the first sentence in my letter of 23-8-41 in response to a demand that I should do so made by Mr.Lakshminaranappa.

B.

That the enquiry is null and void because, apart from the fundamental line of criticism that it should have been held by a committee, it is vitiated by wrong procedure and its character compromised by a "secret agreement" between the Vice-Chancellor and Dr. Sampathkumaran.

IV. "Dr. Sampathkumaran's objection on the basis of standing orders of Government . . . . was entirely misconceived and that you should never have entertained it. The enquiry related to the malpractice of candidate No.163. He is certainly not a public servant, and Dr. Sampathkumaran who was only a witness in the case had no right to raise that misleading objection and create confusion, and you should not have allowed him to do so.

"It was held . . . .that the said standing orders of Government were inapplicable to the case before the Council and could not be deemed to oust its jurisdiction. The Council then passed the resolution on 31-5-41. This unanimous resolution was legally binding on you as well as on Dr. Sampathkumaran, and it was not open to you to have allowed him to re-open the same question again in direct~~ion~~ violation of the adverse decision of the Council. Nor was it open to you to have acted contrary to that decision and nullified it, as you have done, and upheld Dr. Sampathkumaran's objection."

V. "You have not explained why you admitted the offensive objection fully knowing that the candidate was not a public servant."

The Enquiry was certainly not into the malpractice of a candidate, but into the conduct of the Botany Honours Examination of 1941, at which the son of the Chairman of the Board of Examiner had obtained a first class, the information received being that he was not above average in respect of his previous performances, and that the Chairman had valued answer-books to the majority of question-papers. The question before the University Council meeting on the 31st May was the appointment of a Board of Examiners in Botany to examine the candidate again, as resolved at the meeting of

April 26th. This was opposed by some members on the ground that the step ipso facto condemned the Chairman, and an enquiry was demanded into the conduct of the examination as a whole, whether at any stage or part of it, illicit help had been received by the candidate No.163. It was at this stage that Mr.McAlpine informed members of the story current that the candidate had presented the class records of another student as his own, and that the zero given by the valuer had been changed to some marks by the Professor. It is clear, therefore, that the proposed enquiry was not into the malpractice of a candidate, but into the conduct of the Professor.

The Professor knew, as everybody did, that his conduct as Professor and Chairman was under investigation, and when he argued that the enquiry into the matter should be under the rules laid down by Government, and demanded a reference to Government, I do not believe that the reference could be denied. The University Council were informed of the position.

The claim of Dr.Sampathkumaran was first made in July, and the University Council could not have decided in advance in May that the claim was invalid. At the meeting of the 9th August, the point was specially raised and I believe, conceded.

V. "In a matter affecting the jurisdiction of the University Council and the validity of its resolution, it was incumbent upon you as its chief executive officer to have placed it before the University Council for orders . . . . Having yourself made a reference to Government on a question of constitutional importance without the authority of the Council, what was your position? Admittedly you did not know what to do, and you did not consult the Council, as you ought to have done, to find a solution. The most natural and proper course for you was to have waited the decision of the Government in the matter. . . . . Have you not deliberately offended two resolutions of the University Council, viz., the one passed on 31-5-41, and the other passed on 19-7-41?

Waiting till the Goah reply(dated 1-8-41) came would not have helped matters, since the reply referred me to "rules 212-217 regulating enquiries into the conduct of Public Servants contained in the Manual of General Circulars and Standing Orders." The Council too was informed of Dr.Sampathkumaran's claim, and I expressly pointed out that if Government did not uphold Dr.Sampathkumaran's claim to be examined by me alone, my enquiry could be taken as preparing the ground for the enquiry approved by the University Council on the 19th July. I have explained elsewhere why I was unwilling to put off the enquiry any longer.

VI. . . . ."the allegation made by Mr.McAlpine on 31-5-41 related to the alleged mal-practice of candidate No.163. This fact is fully admitted by yourself in your letter dated 4-7-41. Nobody had made any allegation against Dr.Sampathkumaran. There was no charge against him, and the Council had not authorised you to hold any enquiry against him.

"When you consulted your four colleagues in the first week of June, ... You were distinctly made to understand that you must start the enquiry with the candidate and that Dr.Sampathkumaran should be the last person to be thought of. It was also then pointed out to you, that if no evidence was forthcoming to support the charge against the candidate, it might not at all be necessary to examine Dr.Sampathkumaran . . . . The candidate was not put on trial, and without knowing what he had to say about the charge against him, you began ~~reque~~ questioning the father for the mal-practice of the son, and allowed him to defend the son and to find explanations, answers and arguments on his behalf . . . . . for whatreasons and on what principle did you consider the father to be an offender, at that stage, and put him on trial?"

As regards the first of the extracts given above, it is not correct to say that either the allegation was only related to the malpractice of candidate No.163, nor have I admitted this in the letter referred to.Mr.McAlpine stated that the rumour current was that the Professor had, ignoring the passing off of another's library note-books as his own by the candidate, cancelled the zero given by the valuer. If this does not mean an allegation against the Professor, what else does it mean? Again in the

letter referred to, I have indicated the four stages in which the candidate could have got illicit help, and in every case, the Professor's part was obvious, e.g.,(2) "When the Professor evaluated the class records of the candidate." I have also said in the third paragraph of the letter that "a statement was made at the University Council meeting on the 31st May that there was a rumour that the candidate in question had passed off the class records of another student in the second year honours class as his own, and that this had been evaluated for his benefit by the Professor.

As regards the second of the extract - the one important question considered was whether Dr.Sampathkumaran could be placed on suspension or asked to go on leave, and I pointed out that merely on the basis of a rumour, it was impossible to take action of the kind and this view was accepted. I then suggested the heads of enquiry I proposed to make(first paragraph of the letter of 4-7-41).

It was, therefore, not the "father" whose conduct was to be enquired into, but the Professor of Botany and the Chairman of the Board of Examiner, and neither at the University Council meeting on the 31st ~~xxx~~ May nor at the informal meeting referred to was there any doubt in the matter as to the direction of the enquiry.

VI. . . . ."you precipitated action of a kind which, you must have known, could not be undone in the case of a contrary ruling. . . . . Your ex-parte condemnation of your three colleagues as being disqualified to take part in the enquiry, on the mere ipse dixit of Dr.Sampathkumaran which you readily accepted was, I am sorry to say, high-handed.

I did not, and do not, see anything was done that could not be undone, if a fresh enquiry were held in the case of a contrary ruling. The same persons could have been examined over again.

It was not an 'ipse dixit' of Dr.Sampathkumaran, which was before me, but a formal claim that the enquiry into his conduct as Professor of Botany and Chairman of the Board of Examiner in Botany should be held according to Government rules regulating the Enquiries into the conduct of Government servants.

VIII(1). "You invited Dr.Sampathkumaran's 'view' in your letter dated 23-7-41, and in your letter dated 26th July 1941, you say that you invited to meet you on 24-7-41, in order "to discuss the preliminaries of the enquiry" ... Dr.Sampathkumaran was in your conception, an offender or a possible offender. He was allowed to plead for and defend the cause of his son. . . . . .The whole enquiry was vitiated as it was admittedly held under the inspiration and guidance of Dr.Sampathkumaran. You were disqualified according to your own admission to act as an impartial judge, or to hold the enquiry in an impartial manner.

The sentence in my letter to Dr.Sampathkumaran runs thus : "I shall then furnish you with a list of points on which I should like to have your views."

It must be remembered that until I got some tangible evidence, apart from rumours, that anything illicit had happened, I had to treat Dr.Sampathkumaran as helping me in the enquiry into the conduct of the examination, and that is how I conducted the examination till I came to a point where the treatment of class records showed that there were prima facie signs of slackness or irregularity. Accordingly I did not suggest in my letter that I was enquiring into his conduct right off, but into the various phases of the examination, about which I wanted information. I might have said "answers or statements", but I thought that it was not correct to start by assuming that he was under trial himself. The candidate in question or others ~~wise~~ might, for e.g., have received illicit help from other sources, and of this he may have been ignorant. My reference to 'discussion of preliminaries of the

enquiry was similarly intended to be a courteous way of representing the enquiry. I do not consider that starting with the idea that the person examined by you may be innocent implies lack of impartiality, or that treating him to start with, as probably guilty, necessarily implies fairminded justice.

VIII.(3) "There is also no substance in the alleged plea of urgency. If urgency had really any meaning, you ought to have immediately constituted a fresh Board of Examiners without any loss of time and asked the candidate to sit for a fresh examination as per resolution passed on 26-4-41. If you had taken prompt action the re-examination would have been over by 31-5-1941".

A Board of Examiners could only be constituted with the approval of the University. It had been suggested that the new examiners should be persons with no local associations, and persons from the Northern Indian Universities had to be selected, and the names were not available for the University Council meeting on the 10th May. Names were ready for the meeting on the 31st and the subject of appointment of examiners for the re-examination in Botany Hons. came up for discussion, but the University Council dedided to hold the resolution in abeyance till the proposed enquiry was completed.

VIII.(4) "Now, what about the resolution passed on 31st May 1941, regarding the alleged malpractice of candidate No.163? It was a simple case of alleged malpractice in the practical examination.....Every member of the Council realised that the matter was urgent and required immediate attention . . . . . The next meeting of the University Council was held on 28-6-41. But as the agenda had omitted to include this urgent matter in spite of the newspaper sensation, I asked you about the enquiry at the meeting, and you were pleased to remark as follows : - "Have I no other work to do? That is not the only work to engage my attention." . . . ..this sensational matter . . .did not occupy a high place in your order of urgengy on 28-6-41,though everybody else considered it to be otherwise. On 19th July 1941, your proposals and discussions at the meeting showed that you were still considering as to who should hold the enquiry, and how that enquiry had to be conducted...This sensational matter ought to have received your first and foremost

> attention in preference to all other subjects, and you cannot disown responsibility for the long delay in the disposal of this simple matter. In this view of the case you were not at all justified in having hurried up the enquiry on 24-7-41, without placing the matter before the University Council for their decision and orders. What was admittedly not urgent on 28-6-41, cannot be said to have suddenly developed a compelling urgency on 24-7-41 . . . no amount of urgency, fancied or real, can justify a wilful breaking of the law and the constitution.

It is no doubt possible to argue that having delayed matters, one might have delayed matters still further. That would have meant that no report would have been available for the meeting of the 9th August, and it is possible that members who objected to the delay on the 28th June, would have been more vehement in their objection. Further as I did not consider that my enquiry would stand in the way of another enquiry, if mine was considered incorrect, I decided to go further.

It is suggested that my reply was discourteous, but possibly what was meant to be a statement of fact was not happily worded.

As regards the delay of 50 days, it has to be recalled that some of us had to be at Mysore in connection with the Royal Marriages between the 12th and 25th June, and then again till the middle of July the University Office and I were busy with the Silver Jubilee preparations. But during these days, the matter was not lost sight of, though the full enquiry was started only after the University Council meeting of the 19th July.

IX. The immediate production of the note books was imperative in the interests of truth and justice.....the long delay which was avoidable in securing the note books frustrated the very purpose of the enquiry.....While the most vital condition of enquiry demanded that witnesses should depose in an atmosphere altogether free from official influence, you destroyed this essential condition and you yourself placed Mr.Seshagiraiya in the midst of official influence and required him to submit his statement throug his official superior, viz., Dr. Sampathkumaran. Dr. Sampathkumaran himself has admitted that he told Mr. Seshagiraiya that it was not fair to have given zero to his son and pressed Mr. Seshagiraiya to give some marks to his son. It is therefore clear that the risk of official pressure to which you subjected Mr. Seshagiraiya was real and prejudicial to the case .....As an enquiring officer, your function was to examine witnesses and record their evidence and not to convert that evidence into an official and routine matter and obtain it through official superiors. Though you were sitting as a judge, you adopted a non-judicial procedure which defeated the very purpose of the enquiry and gave an opportunity to Dr.Sampathkumaran to try his chances of hiding the truth.

.....

The note-books/were being called for all along the first week of June onwards, as well as the drawing-books. As the candidates were not said to be in Bangalore, there was some delay, and even after 28th June, the library note-books of the candidate No.163 were not produced till a renewed warning was given.

The enquiry through the College did not preclude an oral enquiry, and I do not ~~understand~~ agree that enquiries have to be always oral and without the knowledg of the official superior, even before some definite evidence is available that the official superior is in any way compromised.

XII (i) In his letter dated 23/24th July 1941, Dr.Sampathkumaran refers to the telephone conversation between you and him on the morning of 23rd July 1941, and there is no record to show what all took place at that conversation.....it is unfortunate that oral discussions, conversations on the phone and confidential conversations between you and Dr.Sampathkumaran form a prominent feature in this enquiry, and that no record of such conversations is kept. The evidence reveals the astonishing fact that in such conversations (i) he frequently discussed with you on the merits of the case, and (ii) made complaints or representations against the members of the University Council. On those occasions, you "appreciated the reasonableness of his arguments", and revealed to him confidentially the exact lines of action which you proposed to take in the enquiry, and he was delighted to know it from you and greatly appreciated the virtues of your proposals. Dr. Sampathkumaran's letter dated 25th July 1941, convincingly proves that your good self gave him "personal instructions", to "submit a representation stating his objections for the presence of the University Council members at the enquiry", ...

it is as clear as crystal that you yourself directly encouraged Dr.Sampathkumaran to complain to you against the colleagues of your own choice and helped him to turn the scale against them.....as the result of the secret combination between the judge and the accused the three members appointed by the Council at your own request were pulled down from their seats.....it was unfortunate that you should have interested yourself on behalf of a person, whom you were expected to try, to such an extent and directly instigated him to impeach the integrity of your colleagues. Having so identified yourself with Dr. Sampathkumaran and become his adviser and Advocate, you were no longer competent to sit as an impartial judge in the enquiry, and the proceedings held by you in a double capacity are obviously tainted and deserve to be rejected by the University Council.

XII (3). He refers to another telephone conversation between you and him on 28th June 1941 at which he claims to have represented to you, "that no member of the University Council should be a member of the Enquiry Committee, since every member of the University has expressed strong opinions in the consideration of this case. I was indeed happy when you suggested that you would recommend to the Government to appoint a judge of the High Court to go into this matter." The fact that the Doctor emphasised in this letter that "you appreciated the reasonableness of his request", is a further proof to show that the serious question of the integrity of the members of Council was discussed and settled behind their back at this secret agreement between both of you, that you agreed to comply with his request to eliminate the Council Members as desired by him, and that you even went a step further and gave him an assurance, to his great delight, that you - would recommend to Government for the appointment of a High Court Judge.

"It was in pursuance of this above secret agreement between you and the Doctor on 28-6-41, that you adopted his theory of disqualification of the Council members, further developed it and invested it with your authority as Vice Chancellor, and used it against them in your circular letter dated 4-7-1941.

XII (4) It is objectionable to conduct a quasi-judicial enquiry by means of oral discussions and personal conversations, and it is for you to explain why a record was not kept of such conversations....If the findings and conclusions of the Vice Chancellor are influenced by such conversations and personal instructions, is it just or fair to hide them?.....As regards the interesting conversation between you and the Doctor on 28th June 1941, you say in your letter that "you are not prepared either to accept or deny the details in the paragraph". What is the legitimate inference that emerges from this proposition?

....

From these passages, it will be seen that Mr. Mahadevayya holds (a) that "oral discussions, conversations, on the phone, and confidential conversations between me and Dr. Sampathkumaran formed a prominent feature in this enquiry:

(b) I gave him "personal instructions" to "submit a representation stating his objections for the presence of the University Council members at the enquiry";

(c) That I myself "directly encouraged Dr.Sampathkumaran to complain to you (me) against the colleagues of your (my) own choice and helped him to turn the scale against them";

(d) I suggested that "I would recommend to the Government to appoint a - Judge of the High Court to go into this matter", and that according to Dr.Sampathkumaran, I "appreciated the reasonableness of his request";;

(e) My statement that I was "not prepared either to accept or deny the details in the paragraph" of Dr. Sampathkumaran's letter of 24.5.71 to me is significant;

(f) A record should have been kept of such conversations, if my findings and conclusions are influenced by such conversations and personal instructions;

and he also suggests that all these are proofs that there was a "secret combination" between the judge and the accused and a "secret agreement" between Dr. Sampathkumaran and myself, which led to the elimination of the Council members from the enquiry as desired by him.

Now the facts are that

(a) There was no oral discussion or confidential conversations between us or conversations on the phone, except the two talks on the phone on the 28th June, and 23rd July. When I sent for him on the 12th April to ask about the first class of his son and the impropriety of his examining his son, I had another talk. When I visited the Central College early in June to look into the class records, I talked with him and he came to my office room at Mysore during the Silver Jubilee days i.e., to say I talked with him on five occasions when the talk referred in any manner to the subject of the Botany Hons: Examination and on at least two occasions the Registrar was with us, viz., the April talk and the visit to the Central College early in June. Therefore it cannot be said that such conversations formed "a prominent feature in the enquiry".

d.

As regards the two talks on the phone, they were both brief, and the first referred to the urgency of producing the class records, (Drawing books and Library notes) which so far had not been produced, although called for during my visit to the Central College in the first week of June. I had asked for them to be produced as early as possible. The second telephone talk on the 23rd July, apprised Dr.Sampathkumaran of the enquiry the following day and of the letter issued to him that day. These were the only occasions of telephone talk, and whether anything more was talked over, I shall state under the later heads. But the point I would like to be appreciated is that between 12th April and 23rd July, I had five talks in all, and in every case, it was for a specific purpose. I may also add that except at a tea-party on the 1st June morning, and the University dinner on the 12th July, and a third occasion when I had gone to the Central College to arrange about the rooms for the Commerce diploma classes sometime in June, I have not met Dr. Sampathkumaran at all, except at the formal enquiry.

(d) The 'personal instructions' were given on the 24th, when Dr.Sampathkumaran demurred to being examined in the presence of, or by the members of the Council who were to have assisted me in the enquiry. He showed a copy of the rules for the Enquiry into the conduct of Public Servants. As I did not agree with him, and he pressed his rights as a Government servant, quoting clause 27 of the Mysore University Act, I told him that he had better put his demand in writing, on which I would seek the orders of Government.

(c) This statement is based on Dr. Sampathkumaran's account of his conversation with me, which I am not called upon to accept. There was no 'encouragement' to Dr. Sampathkumaran at any time, but I had to take notice of his claim by getting it made formally in writing.

(d) This is supposed to have occurred on the 28th June. It will be remembered that the University Council met that day, and as the Council had pressed for speeding up the Enquiry, I telephoned to Dr. Sampathkumaran at the close of the meeting that I wanted the class records without further delay and would send the Registrar

for them. I was telephoning from the Chairman's room, and there were people moving about collecting papers etc., from the table at which the University Council had been sitting. It is prima facie unlikely I would engage in a confidential conversation with Dr. Sampathkumaran about the enquiry, apart from telling him what materials to get. Further the High Court Judge idea never occurred to me for several days after and it was only as I was thinking of a report to the University Council as to what had been done between 31st May and 28th June that the idea occurred to me, and this could not have been before the 2nd or 3rd July.

This means I question Dr. Sampathkumaran's version of the conversation. That I decidedly do. I am afraid that possibly having come to know that I proposed the High Court Judge idea to the University Council, he has transferred it to our talk on the 28th. I am positive that I did not either mention or discuss the idea either that day or any other day.

Nor was there any occasion on the 28th June to discuss the desirability or the reverse of University Council members participating in the enquiry. The resolution of the University Council on the 31st May referred to "an Enquiry", and nothing was said about the University Council members taking part in it. Nor was any such suggestion made on the 28th June, and there was, therefore, no need for me to discuss the topic with Dr. Sampathkumaran on the 28th June, when my one reaction to the discussion in the University Council sometime before was to speed up the enquiry.

(e) My refusal either to deny or accept Dr. Sampathkumaran's version of our conversation is given a sinister significance. My refusal merely means that I am not bound to accept his version and that a denial on my part by itself leaves the matter no nearer the truth, because it is the word of one party as against that of the other.

(f) A record would certainly have been kept, if it was my intention or practice to make such conversations an integral part of the enquiry. I have stated above how few the conversations were and for what specific purposes they took place. If, however, I had any idea that Dr. Sampathkumaran proposed to make such extraordinary use of my talks with him, I would certainly have kept a record even of the few talks

and got him to attest them.

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Finally, there is the allegation of a "secret combination" and a "secret - agreement" between me and Dr. Sampathkumaran against the members of the Council supposed to be adverse to Dr. Sampathkumaran. All I need say is that this allegation has its counterpart in Dr. Sampathkumaran's suggestion that the evidence I had obtained by the time he finally appeared before me was manufactured to support the Resolution of the University Council passed without enquiry on the 26th April and that it was obtained by third degree methods. It should be obvious that I cannot both be in league with Dr. Sampathkumaran and also be a party to the manufacture of evidence hostile to him by third degree methods. Both the allegations cannot be true, and the simple fact is that both are false.

PRESENT:

Rajakaryapravina Mr.N.S.Subba Rao,M.A.,(Cantab),Bar-at-Law.,
Vice-Chancellor & Chairman.

1. Mr.M.Sultan Mohiyuddin, M.A.,LL.B.,M.Ed.,
2. " Mirle N. Lakshminaranappa, B.A.,LL.B.,
3. Rajasevasakta Mr.B.K. Narayana Rao,B.A.,M.B.C.M.,M.R.C.S.,L.R.C.P.,D.P.H.
4. Dr.B. Sanjiva Rao, M.A.,Ph.D.,(Lond), D.O.,
5. Mr.K.B. Madhava, M.A.,F.R.A.S.,A.I.A.,(Lond),
6. Mr.J.C.Rollo, M.A.,(Oxon),M.A.,(Glas), J.P.,
7. Mr.A.B.Mackintosh, M.A.,(Oxon),Dip.Edn.,J.P.,
8. Dr.J.F.Robinson,B.A.,M.D.,F.A.C.S.,F.R.C.S.E.,
9. Rajadharmapravina Diwan Bahadur Mr.P.Mahadevayya,B.A.,B.L.,
10. Mr.N.Balakrishnaiya, B.A.,LL.B.,

Dr.C.S.Pichamuthu,B.Sc.,Ph.D.,(Glas),F.R.S.E.,F.G.S.,
Registrar and Secretary.

ABSENT:

1, Mr. Gulam Ahmed Kalami,
2. Dr.M.C.Albuquerque, L.R.C,P.,M.R.C.S.,L.M.,F.C.O.G.

Proceedings of the Special Meeting of the University Council held on 23rd September 1941 at the University Office, Mysore.

SUBJECT:

B.Sc., Honours Examination in Botany - 1940-41.

i. Council resolution dated the 9th August 1941,

ii. Letter No.744/C.B. dated 27th August 1941 from the General Secretary to Government of Mysore, to the Vice Chancellor,

iii. Further proceedings of the enquiry,

iv. Report of the Vice Chancellor,

v. Mr. Mahadevayya's letter dated 11th September 1941 to the Vice-Chancellor.

vi. The Vice Chancellor's remarks on Mr. Mahadevayya's letter of 11-9-1941.

Mr. Mahadevayya proposed at the outset that since Dr. M.A. Sampathkumaran had made serious allegations against the Council, he must be asked to substantiate his statement or withdraw them and tender an unqualified apology.

Mr. Rollo suggested that the proposal should be taken up along with the general question.

Mr. B.K. Narayana Rao said that the item on the agenda i.e., the "Report of the Vice-Chancellor" and Mr. Mahadevayya's letter to the Vice-Chancellor dated 11th September 1941 and the latter's remarks thereon should be taken up first and that all these questions may be taken up in their proper place.

The Vice Chancellor said that he had no objection to have the proposition considered, but first Mr. Mahadevayya's letter should be considered since it raised two important issues:-

1. The accuracy of record of the Council resolution,
2. The validity of the report of the Vice-Chancellor.

Mr. Mahadevayya drew attention to the last paragraph of the Vice Chancellor's letter to the University Council Members dated the 26th July, in which he promised to supply to the Council necessary data for such further action or enquiry as the Council might decide upon, after receipt of the decision of the Government on his reference. Mr. Mahadevayya contended that in sending a report, the Vice-Chancellor had not fulfilled his promise to the University Council, and he moved that this view be accepted by the House.

Mr. Balakrishnaiya next proposed that "notwithstanding irregularities, if any in the conduct of the enquiry, the report of the Vice-Chancellor and the evidence may be taken for consideration."

Mr. Rollo moved that "the Council considers that the procedure adopted by the Vice Chancellor is entirely satisfactory."

Mr. Mirle Lakshminaranappa next moved that "the procedure adopted by the Vice-Chancellor being in conformity with the resolutions of the University Council passed on the 19th July, the record of which was confirmed on the 9th August, the house do proceed to consider the report".

Mr. Rollo accepted Mr. Mirle Lakshminaranappa's proposition and so withdrew his own.

The resolutions were then put to vote one after another with the following results:-

1. Mr. Mahadevayya's proposition:

For	..	1	
Neutral	..	2	LOST.
Against	..	7	

2. Mr.Balakrishnaiya's proposition:-
(Poll was demanded).

For	..	2	1. Mr.Balakrishnaiya & 2. Mr. Mohiyuddin,	
Neutral	..	1	Mr. Mahadevayya,	
Against	..	7	Messrs: 1.Mirle N.Lakshminaranappa, 2.B.K.Narayana Rao, 3.B.Sanjiva Rao, 4.K.B. Madhava, 5.J.C.Rollo, 6.A.B. Mackintosh & 7. J.F. Robinson.	LOST.

3. Mr.Mirle N.Lakshminaranappa's proposition:

For	..	7	
Neutral	..	1	PASSED.
Against	..	2	

The Vice-Chancellor said that the Council should proceed, before going on to the report, to examine the specific allegations that Mr. Mahadevayya had made against the Vice-Chancellor, such as being in "Secret agreement" with Dr. M.A. Sampathkumaran.

Dr. Narayana Rao drew attention to remarks made by Mr. Mahadevayya in Section IV of his letter with regard to the attitude of some members of the University Council on the 31st May 1941 which he considered highly objectionable, and so wanted these remarks to be either withdrawn or substantiated.

Mr. Mahadevayya at this stage pointed out that with reference to his letter of the 11th September and the Vice-Chancellor's remarks thereon the correct thing was to have a tribunal of the University Council members to go into the matter, from which both the Vice-Chancellor and the speaker (Mr.Mahadevayya) should be excluded. He added, that the seniormost member of the University Council then present should take the chair while the subject was being discussed. He moved that such a tribunal be constituted. This proposition was put to vote and LOST; 2 voting for and 8 against.

(When the University Council reassembled after tea, the following subject was taken up on account of its urgency:-

i. Resolution of the University Council dated the 19th July, 1941, that the class in which the candidates bearing register numbers 29, 35 and 36 of the M.Sc., Degree Examination of 1941 are placed will be notified later; and that the theses of these candidates be sent to a third examiner for revaluation,

ii. Report of the third examiner on the valuation of the theses of candidates No. 35 and 36 (Botany)

Resolved that the class of the candidates Nos: 35 and 36 (Botany) be now announced.

Further resolved that if the valuation of the third examiner of the M.Sc., thesis No.29 (Chemistry) is not received in time, the present valuation be allowed to stand and the class announced, and if it is received in time, the Vice Chancellor be authorised to announce the result on the basis of the average mark of the three valuations)

Dr. Narayana Rao's suggestion was taken up for consideration.

Mr. Rollo moved that "these two documents, viz., Mr. Mahadevayya's letter dated the 11th September 1941 and the Vice-Chancellor's remarks thereon dated the 19th September 1941 shall not form part of the records of the University Council".

At this stage, at the suggestion of some members, the Vice-Chancellor asked Mr. Mahadevayya whether he was willing to withdraw his letter. Mr. Mahadevayya replied that he was sorry he could not do it.

Mr. Rollo thereupon withdrew his proposition.

Dr. B.K. Narayana Rao then moved that the words "in the course of lengthy discussions on 31-5-1941, it will be remembered that some members expressed their apprehension that the enquiry into the conduct of the son might perhaps lead to revelations unfavourable to the father and therefore opposed the enquiry, and you yourself were pleased to remark in your circular letter dated 4-7-41, that "they

would not look upon an enquiry by the University Council or its committee as giving Dr. Sampathkumaran a fair and impartial enquiry." But such a theory did not commend itself to the other members who insisted upon an enquiry in the interests of purity and prestige of the University. Thereupon, the members who opposed an enquiry raised a fresh objection on the authority of the standing orders of Government relating to enquiries into the conduct of public servants, and contended that the Government must be requested to appoint an independent officer to hold the enquiry. The Council considered this aspect of the question also, but it found no support and the Council ruled it out after some discussion. It was held that in such an event the Council would be abdicating its statutory functions, and that the said standing orders of Government are inapplicable to the case before the Council and could not be deemed to oust its jurisdiction. The Council then passed the resolution on 31-5-41. This unanimous resolution was legally binding on you as well as on Dr. Sampathkumaran, and it was not open to you to have allowed him to re-open the same question again in direct violation of the adverse decision of the Council. Nor was it open to you to have acted contrary to that decision and nullified it, as you have done, and upheld Dr. Sampathkumaran's objection." be deleted from the records of the Council, as they were untrue and highly objectionable.

Mr. Mahadevayya said, "

Mr. Narayana Rao's proposition was then put to vote and passed, the results of voting being:-

For	..	5
Against	..	1
Neutral	..	4

Mr. Mirle Lakshminaranappa then moved that this Council resolves that "all allegations and imputations against the Vice-Chancellor contained in the letter of Mr. Mahadevayya dated the 11th September 1941 are wholly unjustified and therefore be expunged from the records."

Mr. Mahadevayya said that he had the right to begin and state all his reasons in support of his letter of protest of 11th September 1941 in order to convince the University Council of the correctness of his arguments, inferences, and propositions. And before that right could be exercised, another member moved his proposition referred to, and therefore he desired to oppose the proposition.

At this stage the meeting was adjourned to 27th September 1941, 12:30 P.M.

Mysore,
Dated; 24th September 1941

Sd. N.S. Subba Rao

Registrar & Secretary. Vice-Chancellor & Chairman.

Copy of letter dated 26-9-1941 from Mr. P. Mahadevayya to the Vice Chancellor University of Mysore, Mysore.

As desired by you on the 23rd instant, I have sent herewith my objections in writing with respect to the complaint brought against me by Mr.B.K.Narayana Rao on the said date. I request that a copy of the proceedings of the meeting of the 23rd inst. may be sent to me.

My objections against Mr.B.K.Narayana Rao's complaint in regard to the statements in para IV of my letter of protest, beginning with the words:-

"In the course of the lengthy discussions on 31-5-1941....."

I have made no remarks against Mr.B.K.Narayana Rao. "Some members", cannot be interpreted as Mr.Narayana Rao. His complaint is manifestly inadmissible and cannot be entertained. The statements made in the para are quite correct. There is no substance in the allegation that I have used strong language. On the other hand, it was Mr.Narayana Rao himself who used, on that date, the following unforgettable expressions while addressing the Vice-Chancellor:- "You are murdering the boy, and poisoning the Professor." Hence, the credit for using strong language must be given entirely to Mr.Narayana Rao. Again, Mr. Narayana Rao has admitted just now, that he himself was the person "who raised a fresh objection on 31-5-41 on the authority of the Standing Orders of Government and contended that Government must be requested to appoint an independent Officer to hold the enquiry", as stated by me in para IV of my letter. Hence, Mr.Narayana Rao has no grievance; and he has complained for the mere pleasure of making a complaint against me. The correctness of my statement has thus been proved, and as pointed out by me in my letter, the Vice-Chancellor was estopped from allowing the same objection to be raised once again by the Professor himself at the enquiry.

While I was addressing the house on a different proposition, with the permission of the Council and the Vice-Chancellor, Mr. Narayana Rao entered the Council room on 23-9-41 and said he was sorry for being late on account of car trouble, and sat dow But the Vice-Chancellor interrupted me and informed Mr.Narayana Rao on what subje

was speaking, and how I was demanding a fulfillment of the assurance contained in the last para of his Cir. Letter d/26-7-41. Mr. Narayana Rao at once began to question my right to speak on that subject, and insisted on my speaking on my letter of protest, and also brought the complaint above referred to against me, and discussion was allowed on his complaint. This procedure entirely prejudiced me, and I enter my strong protest against it.